

WPA(P) 49 of 2022

Mafijul Sk. & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Habibur Rahaman
Mr. Dr. Bishnupada Dutta
Mr. Kapil Guha

... ... for the petitioners

Mr. S.N. Mookherjee, AG
Mr. T.M. Siddiqui
Mr. Debasish Ghosh
Mr. Nilotpal Chatterjee

... ... for the State

Mr. Dhiraj Trivedi, Asst.S.G.
Mr. B.K. Singh

... ... for the respondent no.2

This writ petition has been filed by as many as 105 petitioners with a prayer to issue a direction to the respondent authorities to take immediate steps to induct the petitioners in their own houses in the village and to render them adequate protections so that they can live peacefully.

The petitioners have come to this Court with the plea that they are poor and belong to the economically weaker section of the society, residing in the remote village under Parulia Coastal Police Station, falling under Diamond Harbour Parliamentary Constituency in district South 24-Parganas and they have been forcibly ousted from their village homes and their household articles have been looted by the local goons and they are not permitted to come back to their houses. The allegation of the petitioners is that on account of the political pressure, the action has been taken against them.

Report in the form of affidavit has been filed by the State, stating that one incident had taken place in the year 2017 between the villagers residing at Sekh Para and villagers residing at Fakir Para and there is a long standing problem between two villages and on account of an incident of murder, the offence was registered and the accused persons named in the FIR are absconding.

Submission of learned Advocate General is that some of the petitioners may be accused persons, therefore, they do not intend to come back and if any of the petitioner approaches the respondent no.5, then he will be duly permitted to live peacefully in the village provided he is not an accused in the earlier case of murder registered in 2017, being Ramnagar Police Station Case No. 108 and charge-sheet no.153 of 2017.

Learned counsel for the petitioners has submitted that the petitioners are not accused in that case.

Hence, we dispose of the writ petition permitting the petitioners to approach respondent no.5 who will ensure that the petitioners are permitted to return to their houses in the village and live peacefully, if they are not accused in the above-mentioned criminal case.

In case if any further grievance arises the petitioners will be at liberty to approach this Court again.

The writ petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)