

08.12.2022.
Court No.13
Item No.7
pk

WPA 7638 of 2022

**Sri Murati Mohan Santra
Versus
State of West Bengal & Ors.**

Ms. Nibedita Chakraborty
...for the petitioner.

Mr. N. C. Bihani,
Mrs. Papiya Banerjee Bihani
... for the State.

Mr. Santanu Chatterjee
... for the Howrah Municipal Corporation.

Despite service of notice, the private respondents are not represented.

The petitioner complains of alleged inaction by Sankrail Police Station. In respect of complaint lodged against the petitioner's brother, learned counsel for the State submits on instructions that FIR No. 397 of 2021 dated 03.04.2021 was registered and the Charge Sheet No. 324 of 2021 dated 27.04.2021 has been filed after investigation was completed. In respect of the second complaint of the petitioner, FIR No. 26 of 2022 dated 07.01.2022 was registered and investigation was completed. Charge Sheet No. 70 of 2022 dated 31.01.2022 has been filed.

In respect of another incident of the petitioner having been assaulted by the private respondents, proceedings under Sections 107 and 116 of the Cr. P.

C. have been drawn up by the Nazirgunge Police Station, Howrah.

This Court is, therefore of the view that the police cannot be accused of inaction. The prayer in the writ petition to demolish unauthorised constructions cannot be entertained by this Court. The same is left reserved to the petitioner for being pursued in an appropriate proceeding before the appropriate bench.

The writ petitioner, however, complains that he has been living with his widowed daughter along with his wife and son out of fear and terror and repeated assault by the private respondents.

Given the fact that two charge sheets have been filed on the petitioner's complaint, there is prima facie evidence of the allegations of the petitioner against the private respondents.

In those circumstances, the O. C., Sankrail Police Station shall escort the petitioner and his family members back into their residence at Thanamakua, Danesh Sk. Lane, Howrah-711109. The private respondents shall be sufficiently warned that coercive measures including arrest and detention shall be taken against them in the event of any further assault, inconvenience or disturbance caused by them to the petitioner.

The aforesaid order will be carried out by the Sankrail Police Station notwithstanding any bail having been obtained by the private respondents in

any of the aforesaid cases where charge sheets have been filed.

The arrest and detention as directed herein above would be carried out on the bail granted to the petitioner in the aforesaid cases has been cancelled.

The O. C., Sankrail Police Station shall continue to maintain regular vigil at the petitioner's premises and attend to any substantial complaints from the petitioner against the private respondents.

With the aforesaid observations, the writ petition is disposed of.

The instructions of the Sankrail Police Station is kept with the record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)