

18.07.2022

Court No.32
rpan/14

FMA 89 of 2021

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IA No.: CAN 1 of 2020 [Old No. CAN 2714 of 2020]

Sk. Musha Ali

- Versus -

The State of West Bengal & Others

Mr. Bhaskar Chandra Manna

... for the Appellant.

Mr. Pantu Deb Roy,

Mr. Anand Farmania

... for the State.

Mr. Mukteswar Maity

... for the Respondent no.7.

The present appeal has been preferred against an order dated 12th March, 2019 passed in the writ petition being W. P No. 2008 (W) of 2019.

By an order dated 30th June, 2022, we directed the respondent no.5 to conduct an inspection and to file a report in the form of an affidavit. The said respondent was also directed to ensure the presence of the respondent no.7 before this Court since the said respondent was not appearing in spite of notice.

Mr. Deb Roy, learned advocate appearing for the State has placed before us a report in the form of an affidavit, filed by the respondent no.5. He submits that when the respondent no.7 was coming to this Court along with the concerned police official, he suddenly fell sick and had to be sent to Heria Primary Health Centre, Purba Medinipur for treatment. The medical document, as produced and the affidavit, as filed, be kept on record.

The grievance of the appellant is that he had been forcibly ousted by the respondent no.7 from the residential house situated at Mouza – Dakshin Kashafalia, J. L. No.493, Plot Nos. 128 and 195 under Contai Police Station, District – Purba Medinipur (in short, the said residential house).

Disputing such submission, Mr. Maity, learned advocate appearing for the respondent no.7 submits that the appellant himself left the said residential house and did not return. The respondent no.7 has no objection in the event the appellant returns and resides in the said residential house.

Having heard the learned advocates and considering the materials on record, we set aside the order impugned and direct that the appellant would be at liberty to return to the said residential house and reside there. The police authorities shall also ensure that no breach of peace occurs.

With the above observations and directions the present appeal and the connected application, being IA No.: CAN 1 of 2020 [Old No. CAN 2714 of 2020], are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)