

S/L 11  
26.07.2022  
Court. No. 19  
GB

WPA 10455 of 2022

Sakuntala Naiya  
VS  
The State of West Bengal & Ors.

*Mr. Partha Sarathi Mondal.*

*...for the Petitioner.*

*Mr. Ranjit Rajak.*

*...for the State.*

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.5 to 9. It appears that the postal articles sent to the said respondents have come back with the endorsement 'Refused'. Refusal is good service. Hence, the writ petition is taken up for hearing.

The petitioner alleges that the respondent nos.5 to 9 have been continuously disturbing the petitioner's peaceful possession of her own lands, by taking advantage of the fact that the petitioner was living alone. The respondent nos.5 to 9 have committed mischief, nuisance and have also stolen fruits and fish from the orchard and the pond of the petitioner. It is alleged that continuous pressure and threat have been exerted only to force the petitioner to surrender the property in their favour.

A report has been filed by the police authorities, from which it appears that Raidighi Police Station Case No.7 of 2022 and Raidighi Police Station Case No.119 of 2022 had been registered against the respondent nos.5 to 9. Both the investigations were completed and charge-sheets have been

filed. It also appears that pursuant to the proceedings under Section 144(2) of the Code of Criminal Procedure, enquiries have been made. Lastly, over another compliant dated July 7, 2022, Raidighi Police Station Case No.351 of 2022 dated July 6, 2022 was registered under Sections 447/188/379/506/34 of the Indian Penal Code. The investigation is going on.

It appears to the Court that the police authorities have registered three FIRs against the respondent nos.5 to 9 on the basis of the complaint filed by the petitioner. Two of such investigations ended with the filing of the charge-sheet. Thus, the investigation revealed that the allegations of the petitioner were correct. The culpability of the said respondent shall ultimately be decided in the trial, but the police authorities must take active steps in order to prevent such incident, which has happened at least three times as per the police records. Steps under the relevant provisions of law, have not been taken against the habitual offenders. Raidighi Police Station Case No.351 of 2022 was registered sometime in July 6, 2022.

Under such circumstances, the writ petition is disposed of with a direction upon the Inspector-in-Charge, Raidighi Police Station, to conduct the investigation properly. Adequate steps shall be taken in order to preserve the safety and security of the petitioner and her property.

The Superintendent of Police, Sundarban Police District, shall take immediate steps as it appears that the offence has been repeated by the respondent nos.5 to 9 at

least three times over, which means that the police authorities have not been able to ensure adequate protection to the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**