

S/L 46
25.07.2022
Court. No. 19
sn

WPA 14370 of 2019

Sisir Kumar Das & Ors.
VS
The State of West Bengal & Ors.

*Mr. Ashis Kumar Chowdhury,
Mr. Rajib Ghosh,
Mr. Rohan Paul.*

...for the Petitioners.

*Mr. Suman Sengupta,
Mr. Sanatan Panja.*

...for the State.

Mr. Mir Anuruzzaman.

...for the Municipality.

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

With regard to the allegation of forceful occupation of the premises in question by the respondent nos.8 to 16, this Court is of the view that such prayer must be raised before the learned civil court.

The petitioners also allege that they are not being able to visit their native village. It is alleged that there are debutter properties in the said village, which the petitioners are not being able to look after.

This Court is of the view that the disputes with regard to forceful occupation, denial of rights of the petitioners to perform seva puja, dispossession, etc., cannot be decided by this Court and the Court cannot pass necessary orders in this regard upon the police authorities, for protection of such rights of the petitioners. However, the petitioners are entitled to move about freely in their native village, without any threat. In case the petitioners approach the police

station for assistance to enter their native village, then such assistance shall be given. Such police assistance, shall be limited to safe entry of the petitioners to the village, but not to the disputed property.

The police report reveals that the prosecution under Section 107/116(c) of the Code of Criminal Procedure had already been submitted against the respondent nos.8 to 16. The police authority shall also maintain peace and tranquility.

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.)