

S/L 118
22.6.2022
Court. No. 19
sn

WPA 18904 of 2021

Dukari Bala Saha
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Seth ... for the petitioner

Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar ..for the State

Despite service, none appears on behalf of the respondent nos. 4 and 5. Let the affidavit of service be taken on record.

The petitioner alleges that the respondent nos. 4&5 have continuously disturbed the petitioner's possession of the residential house situated at Dag no. 991, Mouza Tenya, Police Station Salar, District Murshidabad.

The specific allegation of the petitioner is that the police authorities have failed and neglected to take steps against the respondent nos. 4&5.

A specific prayer has been made for a direction upon the police authorities to ensure that the respondent nos. 4&5 are compelled to leave the residential house.

The police authorities have filed a report. It appears that a General Diary was registered upon receipt of the complaint from the petitioner.

The son of the petitioner was called to the police station. He appeared before the police authorities and

submitted that he had always looked after his mother until his mother left for Berhampore to undergo medical treatment, during Covid situation. The respondent no.4 asked her to return, but she did not.

The local people were interrogated. Such interrogation revealed that the respondent no.4 was a hawker and earned his living by selling street food. He was not in a position to live elsewhere, but he had always looked after his mother.

Pursuant to the direction of the learned Sub Division Executive Magistrate in M.P.Case No. 1074 of 2021 dated September 10, 2021, the police authorities directed the respondent no.4 to comply with the order of the learned Magistrate and not to disturb the peaceful possession of the petitioner, in the said house.

The petitioner along with her relatives entered the house on September 25, 2021 in the presence of A.S.I. Buddhadeb Majumder of Salar Police Station. The respondent no.4 was cautioned not to create any disturbances.

A.S.I. Buddhadeb Majumder of Salar Police Station was instructed by the Officer-in-Charge of the concerned Police Station to provide necessary assistance to the petitioner as and when required and to keep in touch with her.

The respondent nos. 4&5 left the mother's house and have been staying in a rented house belonging to one Dulal Roy, who is also a resident of Village Tenya. The property of the petitioner is under her possession.

The police authorities further stated that there was no reason for any threat to life and property as alleged by the petitioner.

Under such circumstances, this Court is of the view that the police authorities have discharged their duties to the extent possible.

The police report is taken on record.

This 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.)