

16.08.2022
Sl. No.8(SL)
srm

W.P.A. No. 18213 of 2022

Satya Narayan Ghosh

Versus

The State of West Bengal & Ors.

Mr. Balai Lal Sahoo,
Mr. Snakha Prasad Ray

...for the Petitioner.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas

...for the State-respondents.

Two affidavits of service and one supplementary affidavit filed in Court, are taken on record. It appears that although the respondent No.5 has been served with a copy of the writ petition as also with the information that the writ petition has been fixed for early hearing, none appears on behalf of the respondent No.5.

The petitioner is apprehensive that the respondent No.5 is going to cause a disruption during the annual '*Shradh*' ceremony of his late mother at the residence situated at village Kamche, Post Office and Police Station-Goghat, District-Hooghly. Such apprehension is based on certain previous experience when the respondent No.5 had disturbed and obstructed the petitioner while performing the '*Shradh*' ceremony of his late mother.

The respondent No.5 allegedly claims some title to the property of the deceased mother, on the basis of an oral agreement. It is submitted that a civil suit is pending and there is an order of injunction.

The petitioner has filed a complaint against the respondent No.5 and the police authorities have submitted a report, which indicates that apprehending breach of peace a prosecution has been submitted against the respondent No.5 under Sections 107 and 116(3) of the Code of Criminal Procedure.

Ms. Bhattacharya, learned Senior Government Advocate, submits that the petitioner is at liberty to apply before the police authorities for police posting at his own costs. She further submits that such advice was given to the petitioner by the concerned police station.

Considering the grievance and also upon appreciation of the fact that a civil suit is pending, in which an injunction with regard to the possession and cultivation has been passed, this Court is of the view that the police authorities are bound to ensure peace. The maintenance of law and order is also the duty of the police.

Under such circumstances, this Court directs that on August 26, 2022 between 10:00 a.m. to 6:00 p.m. a special vigil

shall be maintained by the Officer-in-Charge, Goghat Police Station and a regular patrolling shall be held, in order to ensure that the rituals connected to the annual '*Shradh*' ceremony of the late mother of the petitioner can be performed peacefully and without any disturbance. The petitioner is also directed to cooperate and maintain law and order.

This order shall not be construed as an opinion on the allegations made in the writ petition. The issues with regard to the title, possession and the claim of the respondent No.5 to the disputed property, shall be decided by the appropriate forum.

The writ petition is, thus, disposed.

There will be no order as to costs.

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

(Shampa Sarkar, J.)