

S/L 38
8.6. 2022
Court. No. 19
sn

WPA 20146 of 2021

Nasim Molla
Vs.
The State of West Bengal & Ors.

Mr. Kausik Dey
Mr. Arun Kumar Saha
... for the Petitioner

Mr. Raja Saha
Mr. Sayan Ganguly ... for the State.

Mr. Sailesh Kumar Gupta
..for the respdts.6,11&12

Ms. Pampa Dey(Dhabal)
..for the respdts.9,10,12-14

The report filed by the Inspector-in-Charge, Bhangore Police Station is taken on record. It appears that there is a long standing dispute over some landed property, between the petitioner and the respondent nos. 6 to 15.

Title Suit being no. 7793 of 2012 had been filed before the learned Civil Judge, Junior Division, 6th Court at Alipore. A Misc Appeal is pending. Proceedings under Section 144(2) of the Code of Criminal Procedure, was also initiated. It also appears from the police report that on the basis of the complaint of the petitioner against the respondent nos. 5 to 14, Bhangore P.S. Case no. 215 of 2021 dated May 4, 2021 under Sections 147/148/ 149/ 341/ 326/307 of the Indian Penal Code, Bhangore P.S.

Case no. 237 of 2021 dated May 15, 2021 under Sections 447/323/325/506/34 of the Indian Penal Code, Bhangore P.S. Case no. 276 of 2021 dated June 23, 2021 under Sections 447/448/427/379/506/188/34 of the Indian Penal Code, Bhangore P.S. Case no.159 of 2022 dated March 19, 2022 under Sections 188/34 of the Indian Penal Code were registered. All the cases were investigated and charge sheets have been filed.

In the opinion of the Court, the police authorities have concluded the investigation on the basis of the complaint lodged by the petitioner. Nothing further remains to be decided with regard to such aspect. It also appears that another complaint had been filed by the respondent nos. 5 to 14 which was also registered vide Bhangore P.S case no. 211 of 2021 dated May 3, 2021. The same has also ended in filing of a charge sheet. In the opinion of the Court, the police authorities have completed the investigations in relation to the complaints filed by the parties and the jurisdictional court shall proceed in the matters, in accordance with law.

With regard to the allegation that the police failed to provide assistance to the petitioner, the Court finds that one Biswajit Pal, S.I., Bhangore P.S. had aided and assisted the petitioner on May 19, 2022 so that the petitioner could return to his house safely. It

is submitted that thereafter, the respondent nos. 5 to 14 again disturbed the petitioner. As a result of which, the petitioner was forced to leave his residential house once again. Although, the petitioner has tried to give a political colour to the dispute, the report of the police authorities speak otherwise. However, the petitioner is entitled to live in his own house peacefully.

Under such circumstances, the petitioner shall approach the Officer-in-Charge, Bhangore Police Station on June 9, 2022 at 11-00 a.m. A responsible senior officer of the said Police Station shall accompany the petitioner and ensure safe entry of the petitioner to his residence.

Learned advocate for the respondent nos. 5 to 14 submits that the problems cropped up when the petitioner tried to disturb the construction of a road over the panchayat land.

Reliance has been placed on the complaint filed by the Narayanpur Gram Panchayat before the concerned Block Development Officer. A copy of such complaint is taken on record.

Considering the facts and circumstances as narrated hereinabove, this writ petition is disposed of with a direction upon the police authorities to ensure safe entry of the petitioner to his residence. The C.D. along with the police report are taken on record.

All parties are directed to maintain peace and tranquillity.

This order shall not prevent the Gram Panchayat from taking necessary steps, in accordance with law, if the petitioner tries to disturb the construction of the road.

The respondent nos. 5 to 14 are also restrained from interfering with the peaceful possession of the petitioner in respect of his residence. The police authorities shall maintain strict vigil.

The criminal cases which have culminated in the charge sheets shall follow their own course, before the competent Criminal Court.

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.)