

S/L 40
8.6. 2022
Court. No. 19
sn

WPA 20263 of 2021

Khudiram Bera
Vs.
The State of West Bengal & Ors.

Mr. Sk. Sahajan Ali
... for the Petitioner

Mr. Ashim Ganguly
Mr. Bellal Shaikh *... for the State.*

Despite service, none appears on behalf of the respondent nos. 6 to 9. Let the affidavit of service be taken on record.

The petitioner alleges that the respondent no.6 to 9 have been forcefully disturbing the peaceful possession of the petitioner in his own residential house and have also tried to disturb the construction of the building. It is submitted that the parties had approached some members of the village and an amicable settlement was worked out. The parties decided that the respondent nos. 6 to 9 will allow the construction of a new building, provided they are also accommodated therein.

The petitioner submits that the petitioner is willing to accommodate the respondent nos. 6 to 9 as long as they do not create any disturbance in the peaceful enjoyment of the property, by the petitioner, his second wife and their child.

It is also submitted that the respondent nos. 6 to 9 have been continuously disturbing the petitioner and the petitioner was driven out from the residence. The petitioner approached the police authorities.

The Officer-in-Charge, Bhagwanpur Police Station has filed a report, from which it appears that the police authorities made an enquiry and a prosecution under Section 107 of the Code of Criminal Procedure vide Bhagwanpur Police Station NCR No. 2220/21 dated December 10, 2021 had been submitted against the respondent nos. 6 to 9.

Having considered the contentions of the petitioner and the submissions of the police authorities, it appears to the court that the dispute is private in nature and between family members.

However, as it is submitted that the petitioner is not being able to reside with his wife and child at his residence, the petitioner is granted liberty to approach the Officer-in-Charge, Bhagwanpur Police Station on June 9, 2022 at 12 noon. The concerned officer-in-charge, will depute a responsible police officer to ensure the safe entry of the petitioner and his family members to his residential house.

Needless to mention that the police authorities shall keep strict vigil in order to ensure that no untoward incident takes place.

The police report is taken on record.

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.)