

02.02.2023.
Court No.13
Item No. 533
pk

W.P.A. No. 3649 of 2021
With
I.A. No. CAN 1 of 2023
Sitaram Naskar
Versus
The State of West Bengal & Ors.

Mr. Robiul Islam,
Sk. Joyneel Hossain.

...For the petitioner.

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Shakti Halder.

...For the respondent no.5.

Re: CAN 1 of 2023

This application for substitution has been filed for recording the death of the writ petitioner and for bringing on record the heirs and legal representatives of the deceased writ petitioner, namely, Sitaram Naskar.

It is stated in the said application that the original writ petitioner has died leaving behind his wife, two sons and one daughter. Particulars of the said heirs and legal representatives of the deceased writ petitioner are stated in the substitution application.

Such prayer is allowed. The heirs and legal representatives of the deceased petitioner are substituted in stead and in place of original writ petitioner.

The application for substitution being CAN 1 of 2023 is, thus, allowed.

Abatement if any, shall stand set aside.

The advocate on record of the petitioner shall amend the cause title in course of the day.

Re: WPA 3649 of 2021

The petitioners complain of alleged inaction on the part of Maheshtala Police Station in dealing with the complaint dated 21st January, 2021.

The Inspector-in-charge, Maheshtala Police Station has filed a report in the form of instructions addressed to the State Advocate dated 29th November, 2022 which is taken on record.

The said report indicates a civil dispute with regard to the property in question between the parties.

The petitioners' grievance is that they have been forced out of their residence by the private respondent. The private respondent is stated to have criminal antecedents.

Counsel for the private respondent, however, submits that he is occupying only a portion of the property in question of which he is a lawful co-sharer. He has otherwise no objection to the writ petitioners returning and living in other portions of the property.

This Court is of the view that the writ petitioners may return to the property in question and live there in peace. The petitioners and the private respondents shall not disturb each other. Any civil right in respect of the property may be agitated before the appropriate civil forum.

The Inspector-in-charge, Maheshtala Police Station shall ensure that the petitioners are able to return to their residence and shall maintain a regular

vigil on the said premises and respond to any request from any party against one and other.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)