

19.04.2023.
Court No.13
Item No. 20
ap

W.P.A. No. 7450 of 2023

**Nirendra Nath Ghosh @ Niren Ghosh & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Subhabrata Datta,
Mr. Jatindra Barik.

...For the petitioners.

Mr. Rajarshi Basu,
Mr. Abdus Salam.

...For the State.

1. Despite service of notice, the private respondents are not represented. The said notice has been refused by the private respondents. It is, therefore, assumed that the private respondents do not have any objection to the petitioners' prayers made in the writ petition. Affidavit-of-service filed in Court today be taken on record.

2. The petitioners complain that one Tumpa Dey has entered into the house of the petitioners and is residing there forcefully. Negotiations were on for the son of the petitioners to get married to the said Tumpa Dey.

3. After the petitioners' son left the residence on being posted in different places under the CISF, the private respondents refused to leave in the said premises and has registered a complaint against the petitioners, which is registered as Kumarganj Police Station FIR

No. 159 of 2022 dated 10th May, 2022 under Sections 493/354A/323/120B/34 of the Indian Penal Code.

4. Prior thereto, the petitioners had complained against the private respondents that was registered as FIR No. 118 of 2022 dated 14th April, 2022. The son of the petitioners had also registered a complaint against the private respondents that was registered as FIR No. 118 of 2022 dated 14th April, 2022.

5. The aforesaid three FIRs have been investigated and charge-sheets have been filed by Kumarganj Police Station, Dakshin Dinajpur. The petitioners also seek assistance to return to their residence since they have been living away from the house, out of fear against the private respondents. The private respondents are also stated to have sold the household articles of the petitioners that do not belong to them.

6. It is submitted that the private respondent no.8 is a convicted criminal.

7. Be that as it may, since the police have investigated into the matter, there is no inaction on their part. Kumarganj Police Station, Dakshin Dinajpur shall escort the petitioners back into their residence forthwith.

8. For the aforesaid purpose, the petitioners shall report to the Kumarganj Police Station, Dakshin Dinajpur tomorrow at 2:00 P.M. The private respondents shall be warned against any harm or disturbance to the petitioners.

9. Any rights that the private respondents may have against the petitioners, may be established in appropriate civil proceedings in accordance with law.

10. The house stands in the name of the petitioners. The right of the private respondents, if any, is against the son of the petitioners, namely, Ranjit Ghosh. The same may be explored in accordance with law.

11. In any event of any further complaint against the private respondents, Kumarganj Police Station, Dakshin Dinajpur shall not hesitate to take coercive measures and evict the private respondents from the said premises.

12. The private respondent nos.6, 7 and 8 shall not be entitled to stay in the said premises. Kumarganj Police Station, Dakshin Dinajpur shall notify the same to the private respondents. They shall be evicted from the residence after a month from date.

13. The report of the Kumarganj Police Station, Dakshin Dinajpur dated 2nd April, 2023 in the form of instructions addressed to the State Advocate filed in Court today be taken on record.

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

15. There will be no order as to costs.

16. 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.)

