

06-07-2023
ct no. 14
Sl. 17
Sayandeep

WPA 7918 of 2023

Chaitanya Mandal
-Versus-
State of West Bengal & Ors.

Ms. Abhik Sarkar
.....for the petitioner
Mr. Santanu Kr. Mitra
Mr. Gangta Prasad Mukherjee
.....for the State
Mr. S.L. Adak
Mr. Molay Kr. Singh
Mr. Taniya Mondal
.....for the respondent nos. 5-6

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to render adequate assistance to the petitioner and to take step towards his life and property.

Report filed on behalf of the State is taken on record. A copy of the same is handed over to the learned counsel appearing for the respondents.

Learned counsel appearing for the petitioner submits as follows. The petitioner got acquainted with the private respondent No. 4 and upon her request gave shelter to her and to her child, the

respondent No. 5 herein. They also entered into a business relation along with one Dayal Das, the respondent No. 6 herein. But now the said private respondents are trying to oust the petitioner from his own house. Complaints were made before the police authority, but no assistance was provided.

Learned counsel appearing for the State relies on the report and submits as follows. After making enquiry into the allegations of the petitioner, it was found from the local and respectable persons that the petitioner and the respondent No. 4 and her son had all come back together from some place to the residence in question and had been staying there for a very long time. The couple have been living together as husband and wife for about fourteen years. However, some disputes arose. As the petitioner has made a complaint of some wrong doing by the private respondents, the police have initiated a proceeding under Section 107 of the Cr.P.C.

Learned counsel appearing for the private respondents denies the

contentions and allegations of the petitioner and submits that no case is made out for any interference of this Court.

I have heard the submissions of the learned counsels appearing for the parties and have perused the writ petition and the report filed by the State.

It appears from the report that the petitioner and the private respondent No. 4 have been having some kind of a relation for a very long time.

As regards the allegations made by the petitioner about the assault and wrong doings by the private respondent, a proceeding has already been drawn under Section 107 of the Code.

Therefore, there is no need to pass any further order.

Accordingly, the writ petition is disposed of without any order as to costs.

Since affidavits have not been called for, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)