

**24.07.2023**  
**sayandeep**  
**Sl. No. 105**  
**Ct. No. 14**

**WPA 8272 of 2023**

Smt. Gita Rani Bera & Ors.  
-versus-  
The State of West Bengal & Ors.

Mr. D.N. Chatterjee  
Mr. Subhas Ch. Saha  
..... for the petitioners  
Mr. Amal kr. Sen  
Mr. Lal Mohan Basu  
.....for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to arrange for a police posting at the place of occurrence and thus ensure safety of the petitioner and direction to prohibit the private respondents from creating obstruction to the petitioners from entering their residence.

From the affidavit-of-service filed earlier it appears that the service of notice was effected on the private parties. However, no one appears for the private respondents although the State is represented.

The report filed on behalf of the State is taken on record.

Learned counsel Appearing for the petitioners submits as follows. At this stage the petitioner only prays for a direction upon the said police authorities to give police protection so that the petitioners can

enter their residence. Earlier also the similar prayer had to be made before this Court. Pursuant to Court's direction police protection was granted and the petitioners could enter their home without disturbance from the private respondents. However, whenever the police went away the private respondents took the opportunity to harass and pressurize the petitioners. In fact, they have again ousted the petitioners from their house.

Learned counsel appearing for the State submits as follows. Earlier direction was given by this Court allowing police protection so that the petitioner could go back home. However, now there is a dispute between the petitioner and the adjacent land owners over repair of the structures standing on the petitioner's land. A civil suit is pending on the question of boundary wall to the said land as per averment.

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

It appears that earlier police protection had to be given to the petitioners so that they could enter their home.

Whatever dispute may be there between the petitioners and the private respondents, there is no

justification for anyone to create obstruction for the petitioners to enter their residence.

Accordingly, if the petitioners have actually been ousted from their home, necessary police protection be given so that they can enter their home. For this purpose, the petitioners shall approach the officer-in-charge Bhabanipur P.S., Purba Medinipur with particulars of their whereabouts so that necessary steps may be taken. Within 24 hrs. the petitioners approaching the concerned authorities, necessary steps shall be taken.

With these observations, the writ petition is disposed of.

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

**(Jay Sengupta, J.)**