

31.03.2023.
Court No.13
Item No. 31
ap

W.P.A. No. 11893 of 2021
With
I.A. No. CAN 2 of 2023

Sk. Aman Ullah
Versus
The State of West Bengal & Ors.

Mr. Somnath Mukherjee,
Ms. Nahid Ahamed.

...For the petitioner.

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Mr. Tarak Karan,
Mr. Suddhadev Adak.

...For the State.

Re: CAN 2 of 2023 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 25th January, 2023 before this Court.

The said order is recalled and the writ petition is restored to its file and number.

Accordingly, CAN 2 of 2023 is disposed of.

There will be, however, no order as to costs.

Re: W.P.A. No. 11893 of 2021

Affidavit-of-service filed in Court today be taken on record.

The petitioner complains that he is being threatened and intimidated by the private respondents and seeks intervention of this Court.

The Officer-in-charge, Khanakul Police Station has filed a report in the form of instructions addressed

to the Government Pleader, High Court, Calcutta. The same is kept with the record.

It appears from the report that the petitioner was residing in Village – Harishchak under Khanakul Police Station and there are long-standing land disputes between the petitioner and the private respondents. It further appears therefrom that the police have intervened on every occasion and have submitted prosecution against the private respondents under Section 107 of the Code of Criminal Procedure. It also appears therefrom that the petitioner's family members are peacefully residing in their village. The petitioner lives in Calcutta and is engaged in real estate business.

This Court does not find any merit in the instant writ petition. The grievance that the petitioner is unable to return to his village has not been proved. On the contrary, Khanakul Police Station has said that the petitioner used to supervise Rural Government Projects and has extorted money from some local residents. The local residents have made a mass representation against the petitioner. the family of the petitioner is living in peace in the said village.

In that view of the matter, this Court is of the view that fear psychosis expressed by the petitioner is devoid of merit. The petitioner may return to his residence, if he so chooses.

The Officer-in-charge, Khanakul Police Station shall, however, ensure that there is no breach of peace in the area. In the event of any disturbance at the time of entering the village and house of the petitioner at Village – Harishchak under Khanakul Police Station, he may approach Khanakul Police Station for appropriate assistance.

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.)