

WPA 11279 of 2023

Santosh Pradhan & anr.

-vs-

State of West Bengal & ors.

Mr. Kallol Kumar Basu

Mr. Prasanta Bishal

Md. Jannat Ul Firdous

...for the petitioners

Mr. Suman Sengupta

Ms. Amrita Panja Moulick

...for the State

It appears from the affidavit of service filed earlier that one of the private respondents refused to receive service of notice. Even for the others, service could not be effected because of their absence at the relevant addresses.

Report filed on behalf of the State is also taken on record.

Learned counsel for the petitioners submits as follows. The petitioners are the owners of the property in question. For some time, the private respondents had been harassing, intimidating and assaulting the petitioners. Cases had to be filed in this regard. In fact, the private respondents set the petitioners' house on fire. When the petitioners went to retrieve some articles from their own house, they were prevented and were threatened. Complaints were made before the police authorities, but no steps were taken.

Learned counsel for the State relies on the report and submits as follows. The petitioners' son made a complaint on

14.03.2023 in this regard. A specific FIR was registered and the same is being investigated. However, it is germane to mention that on 03.06.2023, another FIR was lodged, *inter alia*, on the charges under the POCSO Act against the son of the present petitioners. A charge sheet has been submitted in this case. No protection may be granted to any of the accused from any side. Incidentally several cases and counter cases are pending between the private parties.

It does not appear that in the FIR dated 03.06.2023, the present petitioners are accused. There may be other cases filed earlier and pending between the private parties.

However, since the petitioners are the owners of the property in question and there is no civil dispute in this regard as evident from the materials on record, the private respondents have no right to prevent the petitioners from entering into their own house, except as per due process of law.

In the event the private respondents try to prevent the petitioners from entering into their own property, the petitioners shall be at liberty to immediately intimate the police authorities about the same, who will then render adequate police help for the petitioners to enter into their own house.

Even otherwise, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

As affidavits were not called for, allegations are

deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)