

19.07.2023
Item No. 53
BR

WPA 16459 of 2023

Sk Kaiyam Ali
-vs
State of West Bengal & Ors.

Mr. Joyee Maiti,
Mr, Saikat Koley
.... For the petitioner

Sk. Md. Galib,
Ms. Tanwishree Mukherjee
.... For the State

This is an application under Article 226 of the Constitution of India inter alia praying for direction upon the respondent authorities to consider the representation of the petitioner dated 27th February, 2023 to carry out the investigation into the criminal cases lodged at the behest of the present petitioner and direct the respondent nos. 2 to 5 to take appropriate step to ensure the security of the petitioner.

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is the owner of the property in question. The respondent nos. 6 to 10 are his son, daughter in law and other relatives who are staying at the same property. Of late, the private respondent had been creating disturbances and threatening and intimidating the petitioner. Whenever the petitioner was able to return home, he was thrown out forcibly. Their demand is that he should part with the property in their favour. Complaints were made before the police authorities, but they have failed to take appropriate steps. Earlier, by an order dated 12th April, 2023 passed by this Court in WPA No. 6645 of 2023, a direction was passed to file report in final form in respect of the FIR lodged by the petitioner. At that time it was submitted on behalf of the State that petitioner was staying at his place. Now also the State has also taken the same stand, although actually the petitioner is staying outside being ousted by the private respondent.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that there is a civil dispute between the family members. However, the FIR lodged by the petitioner was investigated. As per the report, the petitioner is staying at his residence.

I have heard the learned counsels appearing for the parties and have perused the writ petition and the report.

It appears that the FIR lodged by the petitioner is still being investigated into. This is despite the direction passed by a Co-ordinate Bench of this Court that filing of the final report shall be expedited. Let the police take necessary steps in this regard.

Considering the allegation that the relatives including son and daughter-in-law forced him to stay outside his own home, it will not be proper to relegate the petitioner to approach a Civil Court.

In the event the petitioner is still staying outside his own residence and he intends to re-enter into his own

home, he shall intimate the Officer –in-Charge of the local police station with a 24 hours’ notice so that adequate police assistance is rendered for his return home. The petitioner shall avail of this benefit from the local police authorities within the next week.

Even if the petitioner gets settled at his own home, the respondent police authorities shall be vigilant and ensure that no breach of peace takes place in this area.

With these directions, the writ petition is disposed of.

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

(Jay Sengupta, J.)