

07-08-2023
Item No.34
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.17653 of 2023
Sri Bablu Ghosh & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Rameshwar Sinha
Mr. Golam Mohammad ...for the petitioners

Mr. Asim Ganguly
Ms. Srijani Mukherjee ...for the State

Mr. Snehasis Jana ...for respondents no.9-18

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents-authorities to protect the life and property of the petitioners, to remove the illegal/unwarranted fence from the entrance of the land belonging to the petitioners, to confiscate a video footage from the possession of the private respondents, particularly respondents no.18 and to register proper criminal case under the relevant laws.

Affidavit of service filed in court be taken on record.

A 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 land in question. The private respondents no.9-18 are the adjoining land owners. For some time they have been creating disturbances and harassing and intimidating the petitioners. On a particular day they attacked the

petitioner no.3, disrobed her and such activities were videographed by the respondent no.18. She had to be taken to the hospital. In spite of bringing all these to the notice to the police, they have not lodged any FIR. The petitioners are living in constant fear.

Learned counsel for the private respondents denies the allegations and submits that there is a dispute between the parties relating to a common passage between two plots.

Learned counsel for the State relies on the report and submits as follows. On the allegations made by the victim/petitioner no.3, a specific FIR being Chandrakona PS Case No.275/23 dated July 27, 2023 under sections 341/323/325/506/509/34 IPC has been started. Investigation is going on. There is no mention in the FIR made by the victim herself about the allegations mentioned in paragraph 7 of the writ petition regarding disrobing and videography.

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

It appears that there is an existing property dispute between the adverse sides.

It further appears that the police have lodged an FIR on the complaint made by the victim/petitioner no.3 herself. From a reading of the FIR it does not appear that the FIR supports all the averments made at paragraph 7 of the writ petition.

Be that as it may, as it appears that police have already taken steps and have filed an FIR, let the case be

investigated properly and expeditiously.

In the event any videography has been done by any of the private respondents, it is directed that the same shall be destroyed and shall not be made public either in the internet or otherwise.

No further order need be passed in this writ petition.

With the above observations, WPA No.17653 of 2023 stands disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Jay Sengupta, J]

