

August 24, 2023
AD 22
Court No.14
SG

WPA 18230 of 2023

Gour Sardar
vs.
State of West Bengal and others

Ms. Pampa Dey (Dhabal)
... for the petitioner

Mr. Jayanta Samanta
Mr. Soumyajit Ghosh
... for the State

Mr. Saumyen Datta
Mr. Tapas Singha Roy
... for the respondent Nos.8 &9

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to act on the complaints made by the petitioner and to grant police protection to the petitioner and his family members.

Learned advocate for the petitioner submits that the petitioner is the owner of the property in question and the private respondents harassed and intimidated the petitioner and his family members for quite sometime. Several complaints made in this regard to the police station but no effective steps have been taken.

Learned advocate for the petitioner also submits that the petitioner and the respondent No.9 are brothers and they stay at their respective portions in an ancestral residential house. The petitioner has been needlessly wrecking up contentious issues. In 2015, the petitioner assaulted the private respondents.

Learned advocate for the State submits that after an order was passed by this court on 22.02.2023 in WPA 6358 of 2022 to keep peace, the police authorities have taken necessary steps. FIR has been lodged. Notices have been served upon the accused under Section 41A of the Code. A notice under Section 91 Cr.P.C. has also been issued for production of documents. The police authorities were keeping a sharp vigil in the locality.

I have heard submissions of the parties and have perused the writ petition and the reports filed by the State.

It appears that there is a dispute between the parties related to their rights in the ancestral property.

Cases have been started in this regard and are being investigated. It appears that the police has already acted on the complaints of the petitioner. Therefore, no further order need to be passed in this case.

If the petitioner is having any difficulty in returning home, he shall intimate the same to the police station and by 24 hours' notice intimate the date and time of such return to the Officer-in-Charge, so that adequate police protection can be given for return of the petitioner to home.

However, the police shall keep sharp vigil at the locale and ensure that no breach of peace takes place.

With the aforesaid observations, WPA 18230 of 2023 is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]