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Ct 14

WPA 18329 of 2023

Rehana Alam

-vs-

The State of West Bengal & ors.

Mr. Kunal Ganguly

Mr. Tirthankar Mukherjee

Ms. Madhurima Sarkar

Ms. Jaya Choudhury

....for the petitioner

Ms. Jeenia Rudra

Mr. Partha Sarathi Mondal

Mr. Megha Chanda

..for the respondent nos. 5 to 10

Mr. Wasim Ahmed

Mr.Sk. Md. Masud

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. At present, the petitioner is living alone at her residence at 2/1A/H/3, Nawab Ali Lane, Police Station- Ekbalpore, Kolkata- 700023. The private respondents and others from the locality had been committing unlawful acts over a period of time and trying to disturb the peaceful possession of property of the petitioner. They did not even spare the daughter of the petitioner who was minor at that point. Now she is an adult and has got married and has left for her matrimonial home. Right from outraging modesty of the petitioner to making vulgar gestures while taking bath in front of the house and using filthy language, the private respondents have not spared anything. This has been brought to the notice of the private respondents, but no effective steps were taken.

Learned counsel appearing on behalf of the private respondent nos. 5 to 10 submits that they have also lodged a complaint against the petitioner. The allegations made in the writ petition are denied.

Learned counsel appearing on behalf of the State relies on the report, which is taken on record and submits as follows. Earlier the petitioner had filed writ petitions leading to registration of five FIRs. Independently another FIR was lodged. In all these six FIRs, charge sheets have been submitted. Even on the present complaint of the petitioner, an FIR has been lodged and is being investigated into. Since municipal tap is installed immediately before the house belonging to the petitioner, there would be some gathering there of the local people living in the slums and there could be some chaos as well. However, if it turns violent or any unlawful act is done, the police will take steps.

It appears that a municipality tap is installed immediately in front of the petitioner's house. This has led to gathering of local people who take bath and use the tap for other purposes. This might create some din and bustle. But it cannot be allowed to turn violent or such that any right of the petitioner is adversely affected.

The petitioner shall be at liberty to make a prayer before the Municipal Authorities for removal of the tap.

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

If any untoward incident takes place and is intimated to the police officers by the petitioner, the police would promptly take steps in accordance with law.

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.)