

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

W.P.A. 18561 of 2023

Tapati Chakraborty & anr.
Vs.
The State of West Bengal & Ors.

For the petitioners	Mr. Nirmal Kumar Mukherjee
For the respondent no.4	Mr. Sanat Kumar Das Mr. Sujan Chatterjee Mr. Anirban Guhathakurta Mr. Debayan Mukherjee
For the respondent nos. 6 & 7	Ms. Jeenia Rudra Mr. Megha Chanda
For the State respondent	Mr. Sk. Md. Galib Mr. Anirban Datta

Heard on : 21.09.2023.

Judgment on : 21.09.2023.

Jay Sengupta, J.

Fresh report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits
as follows. Since 2012, outsiders and hooligans of the locality have

been harassing the petitioners who are the owners of a flat there. They wanted to grab their property. Some of the outsiders claimed to have been inducted in the premises by the land owners, but they do not have valid documents. They are hands in glove with the local police officers. They are continuing to harass the petitioners. Often the common passageway is blocked. Water line is disconnected. Even the CCTV has been damaged. There is a photo attached to the writ petition that a local police officer was peeping into the CCTV camera. Soon thereafter, the CCTV was found broken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are cases and counter cases including a civil suit pending between the private parties. On the allegation of tampering with water line, a specific case was registered pursuant to a direction under Section 156 (3) of the Code being Sarsuna Police Station Case No. 70 dated 01.09.2023. The petitioners frequently dial 100 at the Lalbazar Control Room alleging some disturbance or the other. Such complaints from the petitioners have been inquiry from time to time and diarized. The prime issue between the co-owners seem to pertain to maintenance, renovation and others usury rights in the common premises. Pursuant to the order passed by this Court, police protection has already been provided to the petitioners. It is germane to mention that it was earlier wrongly

submitted on behalf of the petitioners that it was the Officer in Charge of the local police station who was found peeping through the camera.

At this stage, learned counsel for the petitioners submits that it was a bona fide mistake committed by the petitioners because they had found the particular police officer sitting at the police station and claiming to be the Officer in Charge.

Learned counsel appearing on behalf of the respondent no.4 submits that although he is an owner of the first floor of the property, he has not been residing there for the last few years because of the disturbances created by the petitioners.

Learned counsel appearing on behalf of the respondent nos. 6 and 7 denies the allegations and submits that the respondent no.6 is the owner of the ground floor flat.

It appears that there exist certain disputes between the private parties regarding the user of the property. Allegations and counter-allegations have been levelled.

It also appears that some steps have been taken by the local police authorities on the complaints made by the petitioners. As many as four FIRs were registered at the behest of the petitioners.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no harm is done to the present petitioners.

The respondent authorities shall not involve the police officer whose photo is appended at page 67 of the writ petition to participate in any manner in respect to the suit property or any dispute between the present private parties.

The police security provided by the respondent authorities shall continue for a period of two months from this date.

The personal appearance of the Officer in Charge of Sarsuna Police Station is dispensed with.

The writ petition is disposed of without any order as to costs.

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

(Jay Sengupta, J.)