

August 31, 2023
AD 18
Court No.14
SG

WPA 18741 of 2023

Bisweshwar Sardar
vs.
The State of West Bengal and others

Mr. Partha Chakraborty
Mr. Muhammad Obaid
... for the petitioner

Mr. Suman Sengupta
Mr. Sanatan Panja
... for the State

Affidavit of service filed in Court is taken on record.

Despite service no one appears on behalf of the private respondents.

A report filed on behalf of the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner's peaceful possession of the property was disturbed by the private respondents. They were harassing and intimidating the petitioner and his family members. On a few occasions, they even assaulted the petitioner's wife which compelled the petitioner to lodge a complaint to the police. But, no step was taken. The petitioner was constrained to move this Court and pray for protection for going back home once they were forcibly ousted from the home. The petitioner had also filed civil suits in which orders were passed in his favour in respect of the land in question. The civil court had earlier passed an order directing the police to ensure that

this order is not violated. The private respondents are threatening the petitioner to withdraw the cases.

Learned advocate for the State relies on the report and submits as follows. The police authorities have been very prompt in taking steps on the complaints made by the petitioner. Several FIRs were registered. Charge-sheet has also been submitted. Pursuant to a direction under Section 156(3) of the Code, Bakultala Police Station Case No.273 was registered on 11.08.2023. The same is being investigated. The police are keeping close watch on the happenings in the locality.

It appears that the petitioner had to move this Court in order to return back home.

If the private respondents have any claim in respect of the property in question, they have to agitate the same before the civil court and cannot take law into their own hands by any means.

The respondent police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place and no order of a civil court is violated.

If any untoward incident happens, the petitioner shall be at liberty to immediately inform the local police station who shall take action on the same in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

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

[Jay Sengupta, J.]