

Item No.16

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.08.2023
Ct-24

WPA 19897 of 2023

Roma Bhattacharya & Ors.

v.

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharya

Mr. Anish Kumar Mukherjee

...For the petitioners.

Mr. Amal Kumar Sen

Mr. Lal Mohan Basu

...For the State.

Mr. Tapan Coomar Dey

Mr. Tarun Kumar Chatterjee

Mr. Soumen Chatterjee

Mr. Soukteya Ganguly

...For the respondent nos. 6,7 & 8.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide police protection to the lives and properties of the petitioners and their family members and to cause investigation into the complaint made by them through e-mail on August 13, 2023.

Affidavit-of-service filed in Court today is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the landed property in question. The local

leadership of the ruling dispensation asked the petitioners to come out in support of their political party but they refused to do so. As a result, the petitioners had been threatened with their lives. A transcription of the telephonic conversation in this regard, as contained in pen drive and filed in Court, has been set out in the writ petition. Threats are given to lives and of breaking of limbs of the petitioners. The petitioners are abused and mocked even on the score that they are having a military background. Although, this was brought to the notice of the police no steps were taken for filing an FIR, Even a proceeding under Section 107 was not initiated. There is collusion between the police and the errant individuals.

Learned counsel representing the State submits that from the report it appears that on the complaint of the petitioners a GD entry has been lodged.

I have heard the submissions made on behalf of the parties and have perused the writ petition and the report filed by the State.

It does not appear that police have done enough to redress the grievances of the petitioners.

In several other cases just for the mere asking, the police would initiate a proceeding under Section 107 of the code. But here that was not done.

Let the police initiate a proceeding under Section 107 of the Code against the errant individuals.

The police shall forthwith takes steps for granting protection to the petitioners.

Let a police picket of two armed constables be placed before the residence of the petitioners. The same

shall continue at least for one month. Thereafter, the police shall assess the security situation and decide upon whether to continue with the police protection.

Even, otherwise the police authorities shall keep a sharp vigil at the locale and see that no breach of peace takes place no harm is caused to the petitioners and their family members.

With these observations, the writ petition is disposed of.

As no affidavit was called for, allegations in the writ petition are deemed not to have been admitted.

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

Sh.

(Jay Sengupta, J.)