

October 18, 2023  
AD 35  
Court No.14  
SG

WPA 21872 of 2023

*Nirmalendu Pal*  
*vs.*  
*The State of West Bengal and others*

Mr. Panchanan Hajra  
... for the petitioner  
Mr. S. Ghosh  
Mr. P. Goswami  
... for the State

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. His wife drove him out of such property. The petitioner was constrained to move an application before this Court for returning home. By an order dated 17.04.2023 passed by this Court in WPA 26256 of 2022, this Court had recorded that the petitioner's wife had no objection to the petitioner's return to his own house and the petitioner might return to his house. Police escort was provided, but due to resistance by the wife the petitioner could not return home. The petitioner again prays for further relief in this regard.

Learned advocate for the State relies on the report and submits as follows. There are cases and counter-cases filed by both the parties. Charge-sheet has been submitted in an earlier case started by the wife under Section 498A of the Code. A proceeding was initiated

under Section 107 of the Code. However, on the date on which the police went to escort the petitioner to his house, the petitioner decided not to enter his house and took some time for the same. This was possibly out of fear.

Court of law cannot grant any relief to the petitioner if the petitioner does not have the courage to make use of the same.

As a last opportunity, let police escort be provided to the petitioner for his return to his own house.

Let the petitioner intimate the intended date and time of his return to his house to the Officer-in-Charge of Madhabdihi Police Station with a twenty-four hours' notice to make necessary arrangements. The entry of the petitioner to his house shall be videographed.

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

With these observations, the writ petition 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. ]**