

October 9, 2023
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Ct. No.14
SG

WPA 22279 of 2023

Mahadeb Dubey
vs
State of West Bengal and others

Mr. Sayan Banerjee

... for the petitioner

Mr. Wasim Ahmed
Mr. Sk. Md. Masud

... for the State

Supplementary affidavit filed by the petitioner is taken on record. A copy of the same has been supplied to learned advocate for the State.

Report filed by the State regarding intimation to the private respondent is also taken on record.

Despite intimation no one appears on behalf of the private respondent.

Learned advocate appearing for the petitioner submits as follows. The petitioner is the owner of the property in question. On several occasions the private respondent with the help of local inhabitants had sent the petitioner to an unauthorised rehabilitation centre purportedly for the rehabilitation of the petitioner. They used to allege that the petitioner was a drug addict. There are copies of medical reports appended to the supplementary affidavit that show the petitioner is not suffering from drug addiction. It is germane to mention that the petitioner's wife has also filed several FIRs against the petitioner including under Section 498A of the Penal Code.

Learned Advocate for the State relies on the report filed earlier and submits as follows. From local inquiry it was revealed that the petitioner was a drug addict, for which he had to be send to a rehabilitation centre. There are several cases that were started by the private respondent against the petitioner.

Since the petitioner is the owner of the property in question, he has a right to reside there subject to any order passed by a competent court of law.

It does not appear that any order has been passed by a Court of law restraining the petitioner from entering into his own house.

In view of the same, the petitioner shall intimate the Officer-in-Charge of Bolpur Police Station about his intended date and time of return to his own house. The police shall take necessary steps to provide police escort for the petitioner to enter into his own house. The entry shall be videographed.

Therefore, the police shall maintain a strict vigil at the locate and ensure that no breach of peace takes place.

However, this order does not preclude the possibility of the petitioner being admitted to a recognised rehabilitation centre, if the situation so requires.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]

