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Ct 14

WPA 23219 of 2023

Sahalam Mondal & anr.

-vs-

The State of West Bengal & ors.

Mr. Sabyasachi Chatterjee

Mr. Sandipan Das

Mr. Badrul Karim

....for the petitioners

Mr. Biswajit Hazra

Mr. Archisman Sain

Mr. Sk. Nadeem Ahmed

...for the respondent nos. 8 to 11

Mr. Suman Dasgupta

Mr. Dwaipayan Basu Mallick

...for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the son of the respondent no.11. The respondent no.8 who is the full brother of the present petitioner no.1 had beaten him up so badly that his hand was fractured. The other private respondents have all supported the private respondent no.8 in the atrocities committed by him against the petitioners. Although an FIR was registered, no statement of the victim was recorded under Section 164 of the Code. Necessary seizures were not done. As a counter-blast, the other side has also lodged a false case against the petitioners. The petitioners have not now been ousted from their residence and their belongings are there inside the said house.

Learned counsel appearing on behalf of the private

respondents submits as follows. The father of the petitioner no.1 is the owner of the property. The petitioner no.1 did not even spare his own father and beat him up. Because of the torture committed by him on the other family members, the respondent no.11 being the owner of the property has decided not to let the petitioners stay there.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Inquiry reveals that the petitioners were not staying at the said property. However, of late, the petitioner no.1 had expressed his desire also to occupy a portion of the said property. On the allegations made by either of the sides, FIRs have been lodged and are being investigated.

It appears that investigation is being done in respect of the FIR lodged by the present petitioner. Necessary steps are being taken in the course of investigation. A Division Bench of this Court granted anticipatory bail to the FIR named accused in connection with the instant case.

Let the investigation be concluded as expeditiously as possible and in accordance with law.

It goes without saying that if the petitioner is aggrieved with the outcome of investigation, he shall be at liberty to file a protest petition.

No interference is warranted at this stage.

There are no admitted facts, especially regarding petitioners' stay at the property or keeping of valuable articles there. Therefore, this Court is not in a position to

grant any relief to the petitioner in this regard.

The police authorities 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.

However, there shall be no 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.)