

08 12.12.2023
NB Ct. 14

WPA 27850 of 2023

Arjun Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Mousumi Dhali.
...for the petitioners.

Mr. Suman Ghosh,
Mr. Siddhartha Ghosh.
...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondents who are sweepers of the local municipality had been disturbing the petitioners' possession and enjoyment of the property for quite some time. They had been unduly harassing and intimidating the petitioners and their family members. On one occasion, some of them even assaulted the physically challenged minor daughter of the petitioner no.1. The private respondents would even block the road preventing the petitioners from passing through and use foul language. When the petitioners went to lodge a complaint before the police station, the police officers abused them and refused to receive their complaint.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition are denied. The petitioner no.1 is a habitual offender. As many as seven criminal cases have registered in his name in all of which charge sheets have been submitted. The charges range from Sections 325 to 354A to Sections 326A and 307 of the Penal Code. In a recent incident, the petitioner no.2 was caught sneaking and taking snaps with his mobile phone of a lady taking her bath. Police picket had to be posted there for quite some time. On the complaints of either of the parties, proceedings have been initiated under Section 107 of the Code of Criminal Procedure. The local enquiry did not substantiate the allegations of anyone being inflicted with any physical harm.

It appears that some disputes are going on between the private parties for some time. However, there are complaints made by both the sides and the police have taken some steps in this regard.

It is also quite significant that the petitioner no.1 has numerous criminal cases registered against him.

Be that as it may, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and also see to it that no harm is done to the family members of the petitioners.

The petitioners shall be at liberty to install CCTV camera/s in front of their house. In the event the other local residents object, they shall be at liberty to seek police help in this regard.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)