

04 26.04.2024
NB Ct. 14

WPA 6730 of 2024

Abul Basar Molla
Vs.
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Mr. Sumit Naskar.
...for the petitioner.

Sk. Md. Galib Id. SGA.,
Ms. Ashmita Chakraborty.
...for the State.

Mr. Indrajit Bhattacharyya,
Mr. Moloy Roy Chowdhury.
...for the respondent no.8.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the private respondents are brothers who were staying at their ancestral property being premises no.T-64/3, Metiabruz, Jugipara Lane, PS-Rajabagan, Kolkata-700018. The private respondents had been disturbing the possession and enjoyment of the property by the petitioner. They had been intimidating and even assaulting the petitioner. The grudge of the private respondents was that the petitioner had objected to their undertaking an illegal construction. On one occasion he was assaulted and suffered a fracture on his right foot. Subsequently, he was forcibly ousted from the premises.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The property is indeed an ancestral one.

The private respondents do not have any objection if the petitioner returns to the said premises.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the police are keeping a close watch on the developments in the locality. On the earlier complaint of the petitioner, an FIR had been registered and there are cases and counter cases.

It appears that there are some disputes pertaining to the property existing between the private respondents.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil Court and not by exercise of brute force.

It also appears that the police authorities have already taken steps by registering FIRs on complaints of both the parties.

Fortunately, the private respondents have submitted that they do not have any objection if the petitioner returns to the common property.

Let the petitioner intimate the exact date and time of his intended return to the Officer-in-Charge of Rajabagan Police Station with a 24 hours' notice. The Officer shall arrange necessary police personnel to escort him back to his residence.

The entry to his residence shall be videographed.

Even otherwise, 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.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)