

March 15, 2024  
AD 18  
Ct. No.14  
SG

WPA 7013 of 2024

*Biplab Kumar Banik*  
*vs.*  
*The State of West Bengal and others*

Mr. Debajyoti Deb  
Mr. Pabitra Biswas  
... for the petitioner.

Ms. Sonal Sinha  
Mr. Avishek Prasad  
... 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 only heir of his mother and aunt who were owning the property in question. After their death, he became the owner of the property. Reference is made to the certificates of death and to the heirship certificate issued by the Barasat Municipal authorities. Earlier, the petitioner had also been residing at the property. For sometime he had gone out. When he came back, he found that the local club owing allegiance to the ruling political dispensation had trespassed into the house and put it under lock and key. They damaged the property inside and would indulge in gambling inside. They did not allow the petitioner to enter into the property. A complaint was made to the Inspector-in-Charge of Barasat Police Station on 30.01.2024. But, no step was taken. After filing of this writ petition, an officer

of Barasat Police Station is asking the petitioner to come and take the keys.

Learned advocate for the State relies on the report and submits as follows. Enquiry reveals that the mother and aunt of the petitioner had a good liaison with the club. In their absence, they used to hand over the keys of the house to the club authorities. After their death, nobody came to claim ownership. The keys were taken by the club and given to the local councilor. The police authorities are ready to hand over the keys to the petitioner.

It is indeed very unfortunate that the police authorities are the taking side of the local club who had allegedly committed trespass and mischief and prevented the real owner of the psroperty to enter into such property by unlawfully locking the entrance of the property. It is apparent that in this regard a complaint was made by the petitioner on 30.01.2024. But, by a report dated 12.03.2024, the police authorities are taking such stand. As the complaint was made in January, 2024, the police authorities could have very well handed over the keys to the petitioner before he was compelled to approach this Court.

The above referred actions and/or inactions of Barasat Police Station under the leadership of this Inspector-in-Charge evoke suspicion. The higher authorities of the police administration should look into the matter.

Be that as it may, the police authorities shall hand over the keys of the lock so that the petitioner can enter into the house in question at the earliest. Let the keys be handed over positively by 16<sup>th</sup> March, 2024 at 10 am.

The police shall escort the petitioner with armed personnel at the time of his entry into his house. The entry into the house shall be videographed. Even thereafter, 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.

A copy of this order shall be communicated to the office of the Director General of Police forthwith.

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

Parties shall act on a server copy downloaded from the official website of this Court.

**[ Jay Sengupta, J. ]**