

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 7542 of 2024
Samir Mondal & Anr.
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Samim Ahammed,
Mr. Aniruddha Singh,
Ms. Gulsanwara Pervin,
Ms. Saloni Bhattacharjee.

.....Advocates

For the State : Mr. Ansar Mandal Id. AGP.,
Ms. Somashree Dey.

.....Advocates

For the respondent nos.5 & 6 : Mr. Anindya Bose,
Mr. Santanu Maji.

.....Advocates

Heard lastly on : 20.03.2024

Judgment on : 20.03.2024

Jay Sengupta, J:

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners are the owners of the property in question. The private respondents are local antisocials owing allegiance to the ruling political dispensation. They want to grab the petitioners' property and are continuously creating pressure to oust the petitioners' from their own residence. Often, they would block the pathway. Sometimes they would threaten and intimidate or abuse the petitioners in filthy language. On a few occasions, the petitioners were even assaulted by the miscreants. Complaints were made before the police station, but no effective steps have been taken. The torture continues unabated.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits that there are case and counter-case regarding the disputes between the private parties.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners, a specific FIR being Kasba Police Station Case No.39 dated 30.01.2024 was registered under Sections 324, 506 and 114 of the Penal Code. After investigation, a charge sheet dated 27.02.2024 has been filed under Sections 324, 506 and 114 of the Penal Code. The respondent nos.5 and 6 are on Court bail.

It appears that several complaints have been made by the petitioners about constant harassment and intimidation committed by the private respondents and other miscreants.

If the petitioners are dissatisfied with the outcome of investigation of the criminal case already registered, they shall be at liberty to file protest petition before the learned Trial Court.

If the aim is to grab the petitioners' property then the miscreants may not stop at this. Therefore, the police ought to be more vigilant.

Let the police explore the possibility of initiating appropriate proceeding under Section 107 of the Code against the erring individuals.

The police authorities shall also keep a sharp vigil at the locale, ensure that no breach of peace takes place and no harm ensues to the petitioner. Surveillance shall include frequent visits by police patrol.

If any untoward incident takes place or is apprehended, the petitioners shall be at liberty to call up the Officer-in-Charge of Kasba police station who shall then act in accordance with law.

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

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.)