

34 24.01.2024
NB Ct. 14

WPA 8796 of 2023

Dilip Paul
Vs.
The State of West Bengal & Ors.

Mr. Debasis Kar,
Mr. Husen Mustafi,
Mr. A. Tilak Bhadra
...for the applicant/petitioner.

Mr. Suman Sengupta Id.Sr.Govt. Adv.,
Ms. Amrita Panja Moulick.
....for the State.

Mr. Subhadeep Ghosh,
Ms. Papia Bhowmick.
...for the respondent no.5.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondent is the wife of the petitioner. The petitioner is working as a helper/mason to a contractor. The petitioner's wife and daughter had been eying his property. In 2017, the wife lodged a false case under Section 498A of the Penal Code and thereafter, grabbed the property by ousting the petitioner from his own residence. She would give rooms on rent and earn from the same. With the help of the local police officials, the mother and the daughter are running a sex racket in the petitioner's house. As the same was objected to, the petitioner was ousted from the premises. He wants to live with dignity at his own residence. He had lodged a number of complaints since 2017, the last one being on 11.12.2023. The first time that the petitioner had taken up the point of the private

respondent and her daughter running a sex racket was on 16.11.2022. The petitioner is now compelled to stay at an adjacent godown within the said premises.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. In fact, the petitioner had a habit of leaving the mother and the daughter for a few days. He used to torture the mother and the daughter whenever he came back home. This prompted the private respondent to lodge an FIR, inter alia, under Section 498A of the Penal Code in 2017. Another case was started in 2022. Both the cases ended in charge sheets.

It is indeed very exceptional to find a person making such bald and abominable allegations against his own wife and daughter. Therefore, it is important to find out whether such allegations were made at the very first point in time. Upon enquiry, it was submitted on behalf of the petitioner that the petitioner had lodged several complaints against the private respondent and her daughter. But, the allegation of running a sex racket since 2017 was made for the first time in the complaint dated 16.11.2022.

Therefore, it is quite surprising indeed that such serious allegations would be made long time after the petitioner's earlier complaints were entertained by the police station, the first one being in 2017.

Be that as it may, it is an admitted fact that the petitioner was ousted from the premises some time ago.

Without going through the specifics of the rather grave allegations as above referred, it is pertinent to note that the relief of getting back possession of a property would lie before a civil Court. The petitioner shall be at liberty to do so.

Therefore, no further order need be passed in this regard.

However, 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.

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

(Jay Sengupta, J.)