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26.04.2024
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Ct 14

WPA 11445 of 2024

Balai Das
-vs-
The State of West Bengal & ors.

Mr. Anil Kr. Jana
Ms. Rita Patra
Ms. Pusmita Das
...for the petitioner

Mr. Ansar Mondal
Ms. Somashree Dey
...for the State

Mr. Gouranga Kr. Das
Ms. Poulami Dutta

...for the respondent nos.8 & 11

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question, which is at Village- Uttar Haradhanpur, Police Station- Sagar, District- South 24 Parganas. He had taken some loans from a Self Help Group and from the Bandhan Bank. But, due to financial constrains he was unable to repay all the loans . During his absence from his residence, the private respondents and other miscreants drove out the petitioner's daughter in law

and her mother from their residence and tried to grab the property. This was reported to the police, but no action was taken.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The petitioner had admittedly taken loans from different person and did not repay the sums. It is denied that the private respondents have taken over the petitioner's property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner owes some money to others. This has become an issue in the village. However, the petitioner's house is now under lock and key. The petitioner did not even approach the police authorities for any relief.

If the petitioner owes money to persons in the village, they shall be at liberty to initiate appropriate proceeding as per law. But, they cannot take over any property belonging to the petitioner by force and without sanction of law.

Fortunately, the private respondents have submitted that they have not taken over anyone's property. However, they would be at liberty to institute appropriate proceedings for recovering their money and also if any criminal offence is made out.

Let the petitioner intimate the Officer in Charge of Sagar Police Station about his intended date and time of return with a 24 hours' notice. The Officer shall arrange for

armed police personnel to escort the petitioner back to his residence. The entry to the residence shall be videographed.

Even otherwise, 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.

As affidavits were not called for, allegations are deemed not to have been admitted.

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

(Jay Sengupta, J.)