

S/L 26
30.01.2024
Court No.14
SD

WPA 14256 of 2023

Manas Chatterjee
Vs.
State of West Bengal & Ors.

Mr. Tanmay Basu

...for the Petitioner.

Mr. Somnath Ganguli
Ms. Priyamvada Singh

...for the State.

Mr. Md. Farhaduddui
Mr. Siddhartha Raj
Mr. Rahul Verma

...for the Private Respondent.

A further 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 had been disturbing his possession of the said property. This prompted him to file a civil suit. By an order dated October 4, 2021 passed by the learned Civil Judge (Junior Division), Kakdip in T.S. No.177 of 2021, the defendants were restrained from disturbing the peaceful possession of the plaintiff in the suit property. This order was extended from time to time. In spite of this, the private respondent had been disturbing and intimidating the petitioner. Finally, the petitioner was dispossessed from the said property forcibly and in violation of the civil court's order.

Learned counsel appearing on behalf of the private respondent denies the allegation and submits as follows. The private respondents are also the co-owners of the property in

question. A civil suit is still pending in this regard. A favourable order has already been passed by the concerned BL&LRO establishing the petitioner's right over the property and their joint possession in the same.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Enquiry revealed that the petitioner was sick and his parents were not alive to take care of him. That is why he was staying at his in laws' house and receiving treatment. Sometimes, his wife would visit him. However, the petitioner and his family are not residing at the noted Narendrapur village for the last 1½ years due to illness of the petitioner. Both the parties are in possession of the suit property. No one has dispossessed the petitioner from the said property. Nor was any GD entries or complaint received from the petitioner in this regard.

It appears that a civil dispute exists between the private parties. According to the report filed by the State, private respondents are in joint possession of the same. It also states that the petitioner has not been dispossessed from the suit property. It is only that he was staying outside for a particular reason. Therefore, there should be no impediment on the petitioner to return to the said property.

To avoid any inconvenience, let the petitioner intimate the intended date and time of return to the Officer-in-Charge, Ganga Sagar Costal Police Station with 24 hours' notice. The Officer shall then make necessary arrangement to escort him back to his residence accompanied by police personnel. The entry to the residence shall be videographed.

Even thereafter the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, WPA 14256 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)