

04 05.04.2024
NB Ct. 14

WPA 22175 of 2022

Bablu Sardar
Vs.
The State of West Bengal & Ors.

Mr. Sumanta Chakraborty.
...for the petitioner.

Mr. Gourav Das.
...for the State.

Affidavit of service filed on behalf of the petitioner 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 respondents are in no way connected with the said property. Some of them are neighbours and some are distant relatives of the petitioner. The private respondents had been preventing the petitioner from entering into his own house for quite some time now. The situation became so grave that out of fear, the petitioner had to leave his residence. He has a school going daughter. Complaints were made before the police authorities, but no effective steps were taken.

Learned counsel appearing on behalf of the State relies on the report dated 24.03.2023 and submits as follows. The private respondents are the neighbours and relatives of the petitioner. There is a long-standing dispute between the two. However, on the complaint of the petitioner, Baruipur PS Case No.2122 of 2021 dated 03.12.2021 was registered against the private respondents. After completion of investigation, a charge sheet dated 31.12.2021 was submitted under Sections

447, 323, 427 and 34 of the Penal Code. The police are keeping a close watch on the developments in the locality.

It appears to be an admitted position that the petitioner is the owner of the property in question. Therefore, without any sanction of law, no one, not even the private respondents, have any right to prevent the petitioner from entering into or staying in his property.

It appears that the police had taken steps in the year 2021 and registered an FIR. However, they shall explore the possibility of initiating proceeding under Section 107 of the Code of Criminal Procedure, if required.

Let the petitioner intimate the exact date and time of intended return to his own house along with his family members to the Officer-in-Charge of Baruipur Police Station with a 48 hours' prior notice. The police authorities shall arrange for necessary armed police personnel to escort them back to their residence. The entry to his 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. Surveillance shall include frequent visits by police patrol.

With these observations, the writ petition is disposed of.

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

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

(Jay Sengupta, J.)

