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13.5.2024
Ct. No. 14
SB

W.P.A. 26228 of 2023

Chhabi Das
Vs.
The State of West Bengal & Ors.

Mr. Kushal Paul
Ms. Soma Chowdhury ... for the petitioner

Ms. Amrita Panja Moulick ... for the State

Mr. Lakshmi Narayan Banerjee
... for respondent no. 4

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and her family members reside at the backside of an unpartitioned property while the private respondents stay at the front side. A partition suit is pending before the Civil Court. However, the Court has been lying vacant for some time. The private respondents are creating disturbance and encroaching upon the privacy of the petitioner by installing CCTV cameras in common areas including at the roof facing the passage towards the toilet. Moreover, some of the inmates of the house sleep on the roof in the summer months. All these were reported to the police authority, but no steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations of the writ petition are denied. CCTV cameras, if any, were installed only for security purposes. The petitioner has to go outside for his job and the security of the household is important.

Learned counsel appearing on behalf of State relies on the report filed earlier and submits that there is a long standing

dispute between the private parties. Several complaints have been made by either side. The police are keeping a close watch on the developments in the locality.

It appears that a partition suit is pending. If any of the parties wants to establish any further right in respect of the property, the same has to be done before the Civil Court.

In fact, the petitioner shall also be at liberty to bring this issue of installation of CCTV cameral before the Civil Court and pray for appropriate relief.

However, till such issue is decided by the Civil Court, the police will keep a sharp vigil at the locale and ensure that no breach of peace shall takes places, especially on the question of breach of privacy of the petitioner. Accordingly, till an order of appropriate Court is obtained in this regard, let either of the parties remove, if installed, and / or not install CCTV cameras in the common portion of the unpartitioned property, except for in front of the main entrance of the building and at the common area at the staircase focussing at the main entrance of the first floor where the private respondents reside.

With these observations, the writ petition is disposed of.

As no affidavit was called for, the allegations made 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.)