

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 26958 of 2023

Gobinda Mondal & Anr.
Vs.
The State of West Bengal & Ors.

For the Petitioners	:	Mr. Satyajit Mondal, Mr. Amar Nath Sen, Mr. Malay Dhar, Mr. Amit Bikram Mahata.
For the State	:	Mr. Somnath Ganguly, Id.AGP., Ms. Priyamvada Singh.
For the Respondent No.10&11.	:	Mr. Kanak Kiran Bandopadhyay.
Heard on	:	21.03.2024
Judgement on	:	21.03.2024

Jay Sengupta, J. :

This is an application praying for directions upon the respondent authorities to take steps so that the petitioners' can go back to their residence, to save them from the clutches of the private respondents who are local hooligans and to

reconnect electricity supply, which has been disconnected by the private respondents.

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

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows.

The petitioners are senior citizens. The petitioner no.1 is the husband of the petitioner no.2 and is the owner of the property in question. The private respondents are local miscreants belonging to the ruling political dispensation. They have been trying to grab the property belonging to the petitioners and have been harassing and intimidating the petitioners for quite sometime. On a particular day, the private respondents attacked the house of the petitioners and ousted them from their own residence. They disconnected the electricity supply there and even cut and took away big trees that were there on the said property. The petitioners are unable to return to their own residence out of fear.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners, a specific FIR being Falta PS Case No.289 dated 01.10.2023 was registered. After investigation, a charge sheet dated 31.10.2023 was submitted against some of the accused under Sections 447, 427, 506 and 34 of the Penal Code. The accused are now on bail. The police authorities, in fact, assured the petitioners of help if they wanted to return home.

Learned counsel appearing on behalf of the electricity authorities submits that the petitioners were not present at the time when the electricity supply personnel went for reconnection.

It is indeed sad state of affairs that some local miscreants, whether belonging to a particular political party or not, can act in such brazen and desperate manner as to drive out the owners of the property from their own residence and loot away articles with impunity.

However, fortunately the police are willing to render help if the petitioners want to return to their own residence.

A charge sheet has been submitted on the FIR lodged by the petitioners.

Let the petitioners intimate the Officer-in-Charge of Falta Police Station about the intended date and time of return to their residence with a 24 hours' notice. The Officer shall then take necessary steps to arrange for police protection so that she can be escorted back to their residence. The entry of the petitioners to their 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 and no harm ensues the petitioners. Surveillance shall include frequent visits by police patrol.

In the event any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

The petitioners shall be at liberty to request the electricity authorities for reconnection of electricity supply on which the electricity authority shall act promptly and in accordance with law.

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.)