

January 9, 2024
AD 7
Ct. No.14
SG

WPA 28294 of 2023

Manu Kaji @Rehena
vs
The State of West Bengal and others

Mr. Sayan Banerjee
... for the petitioner

Mr. Ansar Mondal
Mr. Asish Dutta
... for the State

Report filed by the State is taken on record.

It appears that the private respondents were served with notice but they have chosen not to be represented.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondents had been disturbing the possession and peaceful enjoyment of the property by the petitioner. In 2022, on one occasion they had attacked the house of the petitioner, vandalised it and ousted the petitioner and her family members from their own residence. A complaint made by the petitioner, but it was not entertained by the police. This prompted her to file an application under Section 156(3) of the Code. Accordingly, after a direction was passed, an FIR was registered on 08.06.2022 and subsequently, a charge-sheet was also submitted. Yet, the police have not taken any steps for the petitioner and her family members to return to their own residence.

Learned advocate for the State relies on the report and submits as follows. On 27.06.2022 a charge-sheet was submitted on the earlier complaint lodged by the petitioner. On the complaint of the petitioner, a proceeding under Section 107 of the Code was also initiated. However, at present there is no information about any obstruction. But, the petitioner and her family members had not been residing in their residence for long.

It does not appear that the private respondents had raised any civil dispute in respect of the property in question.

Admittedly, the petitioner is the owner of the property. She has every right to reside there with her family members. If any obstruction is created by the private respondents or other neighbours, she shall be at liberty to approach the police for necessary help.

Let the petitioner intimate the intended date and time of return to her residence to the Officer-in-Charge of Joynagar Police Station with a twenty-four hours' prior notice. The Officer-in-Charge shall then make arrangements for police escort to accompany the petitioner and her family members to their residence. The entry to the residence shall be videographed.

Even thereafter, the police shall maintain a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by police patrol.

In the event any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to approach the local police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]