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16.01.2024
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Ct. 14

WPA 28599 of 2023

Jharna Chandra.

-vs-

The State of West Bengal & ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Badrul Karim
Mr. Dipankar Das
Mr. Sarajit Roy

...for the petitioner

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

Report filed on behalf of the State is taken on record.

It appears that the State could serve notice to the private respondent about the pendency of this matter. Despite service, they have chosen not to represent themselves.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners are the supporters of an opposition political party. After the last panchayat election, they were driven out from their homes by the miscreants belonging to the ruling political dispensation. Out of such fear, the petitioners were unable to return to their own homes. During pendency of this matter, the petitioners were informed about the case that had become pending against them. Accordingly, they surrendered before the learned trial

Court and obtained bail. The petitioners are praying for police protection to return home.

Learned counsel appearing on behalf of the State relies on the reports filed and submits as follows. The allegation of police inaction is denied. However, if the petitioner wants to return home, adequate police arrangements can be made for their safe return. In any event, the police authorities are keeping a close watch on the developments in the locality.

It appears that the petitioners are unable to return to their own homes after the last panchayat election. They claim that they had been driven out as they were supporters of an opposition political party in the State.

Be that as it may, no citizen of India can be prevented from returning to his own home and hearth. If any miscreant wants to interfere with such right, the Administration is duty bound to take necessary steps.

Let the petitioners intimate the Officer in Charge of Patashpur police station about their intended dates and time of return with a 24 hours' notice. Thereafter, the concerned officer shall make arrangement for necessary police protection by providing armed police personnel to escort the petitioners to their own residence. The entry of the petitioners to their own homes shall be videographed.

Even thereafter, the police shall keep 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 petitioners, they shall be at liberty to approach the local police authorities who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)