

Sl.No.
114 10.03.2025
Court
No. 35
G.S.Das

WPA 14829 of 2023

Hapijul Middey
-Vs-
The State of West Bengal & Ors.

Mr. Maidul Islam Kayal
Mr. Sumit Naskar
Mr. Kaustav Roy
Mr. N. A. Sardar

... for the Petitioner(s)

Ms. Ipsita Banerjee

... for the State-respondent(s)

Two reports have been submitted
on behalf of the State. Let the same be
kept with the record.

The reports reflect that number of
criminal cases are pending against the
present petitioner. However, the petitioner
is aggrieved by the fact that he and his
family members are not allowed to stay at
their residence.

Reports also reflect regarding the
nature of the cases pending as also the
fact that if the petitioner and his family
members enter their residence there may
be breach of the peace and tranquility.

However, it is the case of the police authorities that the present petitioner and his family members are evading the process of law in connection with the criminal cases, it would be for the police authorities to take action in accordance with law.

If there are neither any condition in connection with any criminal case nor the petitioner and his family members are presently evading the process of law, the petitioner(s) cannot be deprived of his/their right to stay at his/their residence.

Accordingly, if the petitioner and his family members approach the police authorities as per the earlier direction passed on 09.07.2024, it would be duty of the police authorities to ensure that if the petitioner and his family members stay at their residence, there is no breach of the peace and tranquility at the behest of the local villagers.

However, it is reiterated that, if the petitioner and his family members are wanted in any case(s) and for which warrant of arrest is pending, the police authorities would be at liberty to execute the same in accordance with law.

With the aforesaid observations, WPA 14829 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Report(s) so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

