

D/L 147
17.03.2025
Kausik
ct.no.35

W.P.A. 17628 of 2023

**Moutusi Roy & Anr.
Versus
State of West Bengal & Ors.**

Mr. Ram Chandra Guchhait
Mr. Sourav Guchhait

...for the petitioners.

Mr. Suman Ghosh

...for the state.

Petitioners are sisters who claimed that they are unable to enter their property and a part of the front portion of the property has been encroached by the private respondents.

Petitioner's main grievance is that till date they are unable to enter their residence which is under padlock.

Learned advocate for the State has drawn the notice of the court to the earlier report which was submitted. Petitioner submitted that earlier a case being Jagacha PS Case No. 51/04 dated 15.05.2024 was registered for investigation.

According to the police report it reflects that a charge sheet was submitted against the present petitioners along with their parents namely Shyam Prasad Hazra, Bharati Hazra and Tapas Roy (husband of petitioner no. 1). Since the charge sheet

was submitted therefore, the police authorities at the relevant point of time had taken steps so far as the act and action of the present petitioners and their parents are concerned. However, since the present writ petition has been filed for entering at the residence petitioners if so advised would approach the jurisdictional court in seisin of Jagacha PS Case No. 51/04.

Learned Magistrate if he thinks fit and proper that any attachment order has been passed in connection with the said case will pass necessary directions in accordance with law. In case there are no other issues involved, the petitioner would approach the police authorities who would assist them for entering the residence.

With the aforesaid observations WPA 17628 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)