

Sl.No.
I 21.01.2025
Court
No. 35
G.S.Das

WPA 57 of 2025

Prakash Chandra Agarwala
-Vs-
The State of West Bengal & Ors.

Ms. Priyanka Tibrewal
Mr. Koustav Lal Mukherjee
... for the petitioner(s)

Mr. Jayanta Samanta, Id. Jr. Govt. Adv.
Ms. Paromita Malakar (Dutta)
Mr. Sourav Chowdhury
... for the State-respondent(s)

Pursuant to the earlier directions,

Mr. Samanta, learned Junior Standing

Counsel, appears on behalf of the State

and hands over Case Diaries of

Berhampur P.S. Case No. 2003 of 2024

dated 8.12.2024 and Berhampur P.S. Case

No. 1979 of 2024 dated 04.12.2024.

On perusing the materials of both

the Case Diaries, it appears that the

petitioner's wife and daughter were using

the premises as some of the statements

under Section 180 of the BNSS and/or under Section 161 of the Cr.P.C. reflects that there were materials and belongings of the petitioner and his family members, which have been kept under safe custody.

Considering that there were materials and belongings of the petitioner and his family members, *prima facie*, it appears that the petitioner and his family members were in possession of the premises being 29/5 Nirupama Devi Road, Gorabazar, Berhampore, Murshidabad.

In view of the aforesaid, it is directed that if the petitioner and his family members are unable to enter the residence, they would approach the Inspector-in-charge/Officer-in-charge of Berhampore police station, who would render necessary assistance to the petitioner and/or his family members for smoothly entering the said residence in

respect of the address referred to above.

A lady police personnel would be deputed who would, on every alternate day, visit the residence to ascertain regarding the scenario after the petitioner and his family members enters the said residence.

It is further directed that the police authorities would ensure that without any order from the Civil Court and/or due process of law, none of the parties would flex their muscle over the property concerned for throwing anybody out forcibly or occupying the excess area other than that what has been allotted to them or they were enjoying.

This order will however not prejudice the learned Civil Court from passing any independent order as it deems fit and proper.

With the aforesaid observations,

WPA 57 of 2025 is disposed of.

Case Diaries be returned to the
learned advocate for the State.

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.)