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Ranajit
(AR.CT)

14.08.2026
Ct.05

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO 18709 OF 2026

Sri Dulal Chandra Dey & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Dev Kumar Sharma

....for the petitioners.

Mr. Arijit Majumdar,
Ms. Shreyashi Sarkar

....for the respondent nos.4 & 5.

Mr. Indrajit Roy Chowdhury,
Mr. Jaydipta Mandal

....for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioners being senior citizens have approached this Court with the present writ petition, *inter alia*, seeking direction upon the concerned police authorities to evict respondent nos.4 & 5 from their premises who are son and daughter-in-law of petitioners. It is submitted by learned advocate representing petitioners that they do not want to stay with respondent nos.4 & 5 at the residence in question.
3. Prayer is made for issuance of mandamus directing the police authorities to take steps accordingly against respondent nos.4 & 5 for vacating premises in question.
4. Respondent nos.4 & 5 are represented by learned advocate who has submitted that for a long period of

time respondent no.4 was posted out of the State and at present since respondent no.4 is posted in this State, respondent nos.4 & 5 are staying at the residence of his father. Respondent no.4 prays for permission to stay at the said premise in question since he is posted in this State.

5. Learned advocate representing State respondents has filed a communication dated 13th August, 2026 of Officer-in-Charge, A.J.C. Bose B. Garden Police Station, Howrah and same is taken on record. Copies of the communication dated 13th August, 2026 are made over to learned advocates representing petitioners and respondent nos.4 & 5.
6. It is disclosed in the communication dated 13th August, 2026 that on enquiry it was found that petitioners are not willing to initiate criminal prosecution against respondent nos.4 & 5 but they want their premises to be vacated.
7. Having considered the case made out in this writ petition and taking note of submissions made on behalf of parties it appears that petitioners are willing to evict respondent nos.4 & 5 from the premises in question.
8. Police authority is not appropriate authority to decide whether respondent nos.4 & 5 are required to be evicted from the premises in question or not.
9. If petitioners find that they want the premises to be vacated, in that event petitioners are required to

approach civil court in pursuit of remedy.

10. However, if petitioners intend to stay at the premises in question where respondent nos.4 & 5 are staying, Officer-in-Charge, A.J.C. Bose B. Garden Police Station, Howrah being respondent no.3 is directed to provide assistance to petitioners which would enable them to stay at the said premises and also provide them protection, if occasion so arises.
11. With the aforesaid directions, writ petition stands disposed of.
12. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)