

**19.07.2021**

Ct. No.13

Sl. No.60

pk/akd

**W.P.A. 11106 of 2021** [via video conference]

*[Anil Baran Nandi -Vs- The State of West Bengal & Ors.]*

Mr. Siddhartha Sarkar

Mr. Hirak Roy

... .. for the petitioner

Mr. Subhabrata Datta

Mr. Sanatan Panja

... .. for the State

Despite service of notice, the private respondents are not represented. Affidavit-of-service filed in court today be kept with the record.

The petitioner complains that his elder son has threatened him and has tortured him to the extent that he was forced to leave his own house and reside along with his younger son at the residence of the latter's in-laws.

It is submitted that an application was made by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 29<sup>th</sup> September, 2020 which has not yet been disposed of by the SDO, Bishnupur. A criminal complaint has been filed by the writ petitioner against the elder son and his wife which has resulted in a charge-sheet under Sections 448/341/323/506/34 of the Indian Penal Code. It is also submitted that the private respondents have also lodged a criminal case against the petitioner which is registered as Kotulpur Police Station Case No.10 of 2021 dated 15.01.2021. It is submitted a charge-sheet has been filed against the petitioner before the jurisdictional Magistrate.

This Court is of the view that the proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act,

2007 ought to have been disposed of expeditiously by the SDO, Bishnupur. There is no dispute to the fact that the petitioner is the owner of the residence mentioned in the cause title at Village: Hariharchalk, P.O. Basubati, P.S. Kotulpur, Dist.: Bankura. The petitioner shall be restored to his residence immediately.

The petitioner shall meet the Officer-in-charge, Kotulpur Police Station on 22<sup>nd</sup> July, 2021 at about 11:00 A.M. The Officer-in-charge, Kotulpur Police Station shall thereafter either himself or through other officials ensure that the petitioner is exclusive restored possession of his residential buildings. The private respondents namely, Achinta Kumar Nandi, Sukanya Nandi and Barun Dey shall be escorted out of the residence of the writ petitioner.

It is made clear that the said private respondent nos.6 to 8 shall not be permitted to enter into the residence of the writ petitioner except by a letter in writing of the writ petitioner countersigned by the Officer-in-charge, Kotulpur Police Station.

It is also ordered that the proceedings before the S.D.O. under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 be completed within a period of one month from the date of communication of a copy of this order to address other prayers.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

***(Rajasekhar Mantha, J.)***

