

02-12-2021  
ct no. 13  
Sl.11  
sp

**WPA 13713 of 2021**  
**Swapan Kumar Banerjee**  
**Versus**  
**The State of West Bengal & Ors.**

**(Via Video Conference)**

Mr. L. Bhattacharya  
...for the petitioner

Mr. Ansar Mondal, Id. A.G.P.,  
Mr. Sougata Mitra  
...for the State

Mr. Uttam Kr. Bhattacharyya  
...for the respondent no.10

The allegations of discord between the private respondents/son and daughter-in-law and the petitioner are corroborated by the report of the Officer-in-Charge, Mathurapur Police Station.

Counsel for the petitioner submits that his client does not have any source of income. The property in question is his only asset. The dispute arose primarily because the petitioner was unable to effect the repairs to the first floor of the said property. The son and daughter-in-law are stated to have been enjoying the property without paying any bills.

The aforesaid facts are required to be established after a due enquiry. The S.D.O., Diamond Harbour Maintenance Tribunal, shall upon receipt of a copy of this order and in terms of

the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, decided the following questions.

- (a) As to whether the private respondents/son and daughter-in-law should continue to reside in the premises,
- (b) Whether the son and daughter-in-law are required to pay for the maintenance upkeep and repair of the building,
- (c) Whether the petitioner is entitled to any maintenance from the private respondents.

Irrespective of the cause of discord between the petitioner and the son and daughter-in-law, any violence of the petitioner or his wife is wholly unacceptable and shall not be tolerated.

The Officer-in-Charge, Mathurapur Police Station shall register FIR under the appropriate sections of the IPC and the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and shall accordingly commence investigation on the complaints lodged by the petitioner. The private respondents/son and daughter-in-law shall be warned by the O.C. Mathurapur against any ill-

treatment, harm and/or any trouble to the petitioner and his wife.

The petitioner shall transmit a copy of this order to the S.D.O., Diamond Harbour for appropriate action.

The report of the Officer-in-Charge, Mathurapur Police Station dated September 14, 2021 addressed to the learned Government Pleader is kept with the record.

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

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

**(Rajasekhar Mantha, J.)**