

24.11.2021
Court No.13
Item No.47
AP

WPA 14675 of 2021

**Batakrishna Samanta
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Anup Dasgupta

... For the Petitioners.

Mr. Pantu Deb Roy
Mr. Anand Farmania

... For the State.

Mr. Bibekananda Tripathi

... For the Respondent Nos.4 & 5.

Affidavit of service filed in court today be kept with the record.

Learned counsel for the petitioner submits that his sons who otherwise do not reside in Nandigram have ousted him from his own property.

The private respondents/sons are represented. Learned counsel for them submits that it is the sons who constructed the residential building on the land of their father and the father was always unemployed. The two sons who earned livelihood by selling 'Chanachur' from door to door.

Learned counsel for the State produces report of the Inspector of Police, Officer-in-Charge, Nandigram Police Station, Purba Medinipur dated 20th September, 2021. The same is taken on record.

It appears from the report that the petitioner has, in fact, not been ousted.

Learned counsel for the private respondents also submits that one daughter of the writ petitioner and her son-in-law have been brought from their matrimonial house to the said house at Nandigram and the writ petitioner ensure that the sons do not come and visit the petitioner at Nandigram. It is also submitted that the petitioner has not been ousted from his residence and they are residing peacefully. It is further submitted that the writ petitioner was unemployed at all times.

Having considered the rival submissions of the parties, this court is of the view that the writ petitioner has not been ousted from his property. However, this Court directs the officer-in-charge of the Nandigram Police Station to visit the said premises and ensure that the writ petitioner is able to live there in peace.

Nandigram police has already taken steps under Section 107 of the Code of Criminal Procedure. This Court is of the view that there is no inaction on the part of the police.

It is, however, made clear that in the event the petitioner complains of any obstruction in entering into the premises or any disturbance by any person, the officer-in-charge, Nandigram Police Station shall attend to the same as expeditiously as possible.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)