

09.12.2021.
Court No.13
Item No. 51
ap

**W.P.A. No. 18252 of 2021
(Through Video Conference)**

**Sri Baidyanath Haldar
Versus
The State of West Bengal & Ors.**

Mr. Purnasish Roy,
Mr. Avijit Baran Das,
Mr. Krisnendu De.

...For the petitioner.

Mr. Subhabrata Datta,
Mr. Banibrata Dutta.

...For the State respondent.

Mr. Arindam Sen,
Mr. Saurav Basu.

...For the respondent nos.5 & 6.

The writ petitioner is the owner of 28/A, Ramnabamitala Lane, Police Station – Bally, District - Howrah. He claims to have been thrown out of his residence by his son and daughter-in-law, the private respondents herein.

The Inspector-in-charge, Bally Police Station has filed a report. The same is taken on record.

It appears from the said report that father has instituted proceedings against the son and daughter-in-law and they have also complained against the father. Both the complaints have been resulted in charge-sheets being Bally Police Station Charge-sheet No. 227 of 2021 dated 30.09.2021 under Sections 341/323/506/34 of the Indian Penal Code and Section 24 of the Maintenance & Welfare of Parents & Senior Citizen Act, 2007 and Bally Police Station

Charge-sheet No. 266 of 2021 dated 31.10.2021 under Sections 498(A)/323/506/34 of the Indian Penal Code.

The father complains that he has now been thrown out his flat and is compelled to live with his daughter. Admittedly, the flat in question exclusively belongs to the petitioner. The private respondents, namely, son and daughter-in-law do not have any right, title or interest in the said property. Since a senior citizen of the property has been thrown out from the residence, he is entitled to be restored possession.

This Court has dealt with the subject in the case of ***Ramapada Basak & Anr. – Vs. – The State of West Bengal & Ors.*** passed in W.P.A. No. 10835 of 2021. For the reasons already recorded thereat, the Officer-in-charge, Bally Police Station shall escort the private respondents, son and daughter-in-law, namely, Meghendra Halder and Debjani Halder out of the flat at No. 28/A, Ramnabamitala Lane, P.S. Bally, Howrah forthwith.

The said son and daughter-in-law shall be allowed to take out their belongings within a period of 72 hours thereafter from the said flat.

The Bally Police Station shall be entitled to take all steps for the purpose of carrying out the aforesaid order.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)