

MAT 708 2020
with
IA No: CAN 1 of 2020

Arup Kumar Sharma
vs.
The State of West Bengal & Ors.

(Via Video Conference)

Ms. Debolina Chatterjee
Mr. Bibekananda Bose

.....for the Appellant

Mr. N.C. Behani

....for the State/respondents

This appeal is directed against an order dated 15th October, 2020 whereby the learned Single Judge has directed the police authorities to personally escort the writ petitioners being the mother and her daughter into their residential premises.

We have heard the parties.

The Learned Trial Court in passing the impugned order has take into consideration the fact that a promoter is *prima facie* claiming interest in the subject premises and the same is also the subject matter of a pending Civil Suit. The Learned Trial Court has also considered the fact that the petitioner No. 1 is a senior citizen and suffering

from ailments and is entitled to reside at her residential premises.

We also find that there is no perversity, nor illegality in the discretion exercised by the Learned Single Judge. The impugned order takes into consideration all the relevant facts and circumstances of the instant case and does not warrant any interference at all.

The police authorities are directed to ensure expeditious compliance with the directions contained in the impugned order.

In view of the aforesaid, the instant appeal being **MAT 708 of 2020** along with **CAN 1 of 2020** stands **dismissed**.

However, there will be no order as to costs.

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

(Ravi Krishan Kapur, J.) (Subrata Talukdar, J.)