

AD. 23.
February 5, 2021.
MNS.

W. P. A. 10581 of 2020
(**Via video conference**)

Utpal Dutta
Vs.
The State of West Bengal and others

Mr. Kalyan Kumar Chakraborty,
Mr. Ashok Halder,
Mr. K. Bhattacharya

... for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay

...for the respondent-authorities.

Mr. P. Bhattacharya

...for the private respondents.

The petitioner alleges that the petitioner is being harassed by the private respondent no. 7, who is the daughter-in-law of the petitioner, for which the petitioner had approached this Court previously and obtained an order dated August 26, 2019 in W. P. No. 15013(W) of 2019 from a co-ordinate Bench, *inter alia*, directing the police to depute appropriate police personnel to ensure that the petitioner is in a position to reside and occupy the entirety of the first floor of his residence, without any breach of peace and public tranquility.

It is seen from the records that subsequently the private respondents approached a competent forum under the Protection of Women from Domestic Violence Act, 2005 and obtained an order dated February 4, 2020 restraining the respondents therein (including the present petitioner) from evicting the petitioners therein (private respondents here) from the shared household as per the provision of Section 17 of the 2005 Act and also from dispossessing the private respondents and her minor child from the shared household. It was further observed that the writ petitioner could not be removed from the shared household in view of the order of this Court. However, the petitioner was directed to secure same level of alternate accommodation for the petitioner at his own cost, if required, and other directions in favour of the private respondents.

On August 25, 2020, after passing of the said order, the petitioner again approached the Officer-in-Charge of the Bansdrone Police Station, seeking to break all the padlocks put by the private respondents and take possession of the entire house for peaceful living of the petitioner's family and his old, aged, dependent mother.

In compliance with the order passed by the Magistrate, certain steps have been taken by the police authorities. Learned counsel for the police authorities hands over a report filed by the police authorities (which may be kept on record) indicating that several criminal cases are pending between the private parties.

In any event, in view of the clear order passed by the Judicial Magistrate, Second Court, Hooghly Sadar at Chinsurah in MC-56 of 2018 on February 4, 2020, such request by the petitioner, made through his son, is palpably *mala fide* and designed to defeat the order of the Magistrate.

As such, this Court does not find any fault or inaction on the part of the police in not complying with such absurd request made by the petitioner in the teeth of the order passed by the appropriate authority.

Accordingly, W.P.A. No. 10581 of 2020 is dismissed without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)