

AD. 39.
January 6, 2021.
MNS.

W. P. A. 11728 of 2020
(Via video conference)

Sri Kesab Chandra Kundu and another
Vs.
The State of West Bengal and others

Mr. Debasish Chattopadhyay

... for the petitioners.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das Chanda

...for the respondent-authorities.

Affidavit-of-service filed in Court today be
taken on record.

The petitioners are the elderly parents of
respondent no. 7.

Learned counsel for the petitioners
submits that the petitioners are not being
permitted to enter into a shop room from where
the petitioners used to run their business at a
relevant point of time. Taking advantage of the
trust of the petitioners in permitting the
respondent no. 7 to run the business, the said
respondent has allegedly transferred the licence
in his own name and prevented the petitioners
from entering into the shop room.

Learned counsel further submits that the petitioners apprehend risk to the petitioners' life and limb due to the threats issued by the respondent no. 7, for which complaints were lodged with the police authorities. The petitioners pray for police protection to enter into the shop room.

Learned counsel appearing for the respondent-authorities files a report in the form of instruction, which indicates that investigation has already been done on the complaint of the petitioners and charge sheet has also been submitted.

Let such report in the form of instruction be taken on record.

Learned counsel for both parties submit that a civil suit is also pending regarding the respective right, title and interest of the private parties, apart from a proceeding under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 initiated by the petitioners. It is further submitted that the petitioners had filed an injunction application in connection with the suit, but both the trial court and the appellate court refused such injunction.

In such circumstances, there is little or no scope for the writ court to interfere, since the matter is already sub judice before the competent civil court as well as the Magistrate under the Act of 2007. Moreover, since the police have already filed charge sheet regarding the complaints of the petitioners upon completion of investigation, there is no scope for any interdiction on such front either.

Accordingly, W. P. A. 11728 of 2020 is dismissed.

However, it is made clear that the petitioners shall be at liberty to raise all contentions regarding right, title and interest in respect of the shop room and on other allied issues before the civil court as well as any other forum where connected matters are pending.

There will be no 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.)

