

OD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/246/2021

SHIV SHANKAR AGARWAL
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 22nd July, 2021.

Appearance :
Mr. Suddhasatva Banerjee, Adv.
Md. Zohaib Rauf, Adv.
... for the petitioner.

Mr. Manoj Malhotra, Adv.
Mr. Suman Dey, Adv.
... for the state.

Mr. Sumitava Chakraborty, Adv.
Mr. A. Pandey, Adv.
... for the respondent no.5.

Mr. Ayan Bhattacharya, Adv.
Mr. Rahul Auddy, Adv.
... for the respondent no.6.

The Court: Supplementary affidavit filed in Court is taken on record.

It appears that an appeal being APOT 105 of 2021 filed against the order dt 14th July, 2021 has been dismissed on 16th July, 2021 by a Division Bench of this Court.

Counsel for the petitioner submits that the order dated 14th July, 2021 has been complied with. The private respondent No.6 have been escorted out of the premises of the petitioner.

Mr. Ayan Bhattacharyya, Ld. Counsel for the private respondent No.6, daughter in law, submits that his client requires to visit the said premises to remove her personal effects and articles. Three visits are stated to be required to remove such articles since his client has been residing there for the last 20 years.

In these circumstances, the writ petition is disposed of permitting the daughter in law respondent no.6 and her 17 year old son, to visit the premises on three occasions and not more, in the presence of a lady and a male constable of the Shakespeare Sarani Police Station.

The petitioner shall also be entitled to keep a representative or be present himself at the time of removal of articles by the Respondent No.6 daughter in law..

There shall be however no order as to costs.

Urgent certified photostat copy of this order be given to the parties.

Needless to mention that sufficient prior notice shall be given to the Officer-in-charge for the aforesaid purpose.

(RAJASEKHAR MANTHA, J.)

