

S/L 43
13.06.2022
Court. No. 19
GB

WPA 3091 of 2022

Rabindranath Shil & Anr.
VS
The State of West Bengal & Ors.

Mr. Amal Kumar Banerjee.

...for the Petitioners.

*Mr. Amitesh Banerjee,
Mr. Tarak Karan.*

...for the State.

*Mr. Tapan Coomaar Dey,
Ms. Shreya Chatterjee.*

...for the Respondent Nos.5 & 6.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners are senior citizens, who claim protection from the harassment and torture of the respondent nos.5 and 6. The respondent nos.5 and 6 are the son and daughter-in-law of the petitioners, respectively. The allegation is that disputes over the property arose and the respondent nos.5 and 6 inflicted injury upon the petitioners.

Mr. Dey, learned advocate appearing on behalf of the respondent nos.5 and 6 denies such allegations. It is submitted that the daughters of the petitioners have instigated the petitioners to file the writ petition. The daughters are indirectly trying to create a pressure upon the respondent nos.5 and 6 to come into an agreement with the promoter, for development of the house.

The police authorities have filed a report, from which it appears that an enquiry was made by the police authorities. Upon enquiry, it revealed that the petitioners

reside in the ground floor and the respondent nos.5 and 6 reside on the first floor. That quarrels took place between the parties on some trivial issues. Accordingly, prosecution vide Kalyani PS NCR No.347 of 2022 dated March 8, 2022 under Section 107 of the Code of Criminal Procedure has been submitted against the respondent nos.5 and 6 and the parties have been directed to maintain peace and tranquillity.

Under such circumstances, as the police authorities have found that there have been some occasional quarrels between the parties and there are indications of breach of peace, the writ petition is disposed of with a direction upon the Inspector-in-Charge, Kalyani Police Station to ensure that the petitioners are not harassed and they enjoy their property in a peaceful manner. The police authorities shall be at liberty to comply with this order. The petitioners shall be entitled to use all common facilities and amenities in the residential house.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)