

S/L 46
13.06.2022
Court. No. 19
GB

WPA 4517 of 2022

Triloki Prasad Shaw & Anr.
VS
The State of West Bengal & Ors.

Mr. Triloki Prasad Shaw.

... In-Person.

*Mr. Jishnu Chowdhury,
Ms. Amrita Panja Maulik.*

...for the State.

*Mr. Samrat Choudhury,
Mr. Amit Dey.*

...for the Respondent Nos.5 to 8.

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

The petitioners are the parents of the respondent nos.5 and 7. The respondent nos.6 and 8 are the daughters-in-law of the petitioner. The dispute is with regard to the property situated at 100/E, M.C. Mitra Road, Hazinagar, Jadunath Bati, District – North 24 Parganas.

The allegation is that the respondent nos.5 to 8 have been torturing the petitioners physically and mentally. Such torture compelled the petitioners to leave the house. It is submitted that the house was built by the petitioner no.1 from his own funds.

Such allegation is denied by the learned advocate appearing on behalf of the respondent nos.5 to 8. It is contended that a part of the property was gifted to another son and he has not been made a party to the proceeding. On the instigation of the said son, the writ petition has been filed.

The petitioner prays for protection as also for a direction to enter into the property in question with police help. Further prayer for eviction of the respondent nos.5 to 8 has been made.

The police report indicates that pursuant to an order passed by the learned Executive Magistrate in M.P. Case No.246 of 2021 dated February 25, 2022, an enquiry was conducted and prosecution under Section 107 of the Code of Criminal Procedure was filed. According to the police authorities, strict vigil is being kept and as of now, there is peace and tranquillity in the locality.

Under such circumstances, the Officer-in-Charge, Naihati Police Station is directed to ensure that the life and properties of the petitioners are secure. It appears that the petitioners have already approached the learned Sub-Divisional Officer, Barrackpore by filing an application for other reliefs. The petitioners are at liberty to proceed before the said forum in accordance with law. The respondent nos.5 to 8 are restrained from torturing the petitioners or disturbing the petitioners' right in respect of the residential house. If the petitioners approach the police authorities, they will be put back in possession of the said 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.)