

WPA 9220 of 2022

Hemanta Panda
Vs.
State of West Bengal & Ors.

Mr. Anil Kumar Chatterjee
Mr. Dinesh Pani
.....for the petitioner

Mr. Santi Pada Pahari
.....for the private respondents

Mr. Ansar Mondal
Mr. Hasibul Islam
.....for the State

This is an application under article 226 of the Constitution of India praying for direction upon the respondent authorities to restore possession of the property to the petitioner and allow him to enter the same.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a senior citizen, aged about 83 years. The property in question belongs to him. Yet, in 2019 he was assaulted by his own son, the private respondent herein and driven out from his house. On 05.06.2020 the petitioner made a representation to the local Police Station to provide security to him. On 13.10.2020 this Court directed the

authorities to ensure that the petitioner can return to his house. On 30.11.2020 the police authorities arranged for the return the petitioner to his own house. However, on 01.12.2020 the petitioner was again assaulted by his son and was driven out. On 21.04.2022 the petitioner made a representation to the police authorities, but in vain. In the interest of justice, a direction may be passed to grant police help to the petitioner so that he can enter his house and live without being threatened or intimidated by the private respondent.

Learned counsel appearing on behalf of the State realize on the report and submits that the police had taken appropriate steps whenever any complaint was lodged in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. It is the petitioner who has been creating problem. In fact, the petitioner's own wife, an aged lady, was constrained to file an FIR against him. However, the private respondents undertake that they would not create any trouble or intimidate or assault the petitioner if he returned to his own house.

In reply, the learned counsel for the petitioner submits that the FIR that was lodged against him by allegedly his own wife was actually not signed by her.

The left thumb impression of the wife was taken and the complaint was conjured up by the son.

I have heard the submissions on behalf of the parties and have perused the writ petition and the police report.

It appears that admittedly the petitioner is the owner of the house in question and he wants to return into the house. But, he is facing hindrance from his own family members.

In view of the above and in interest of justice, the respondent nos. 2 and 3 are directed to take appropriate steps to ensure that the petitioner is able to return to his own house and live there peacefully. They are directed to have the same done within a week from the date of communication of this order. In the event, any complaint is filed by the any of parties, the same shall be treated by the respondent authorities in accordance with law.

With these observations the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance.

(Jay Sengupta, J.)