

S/L 22
7.6. 2022
Court. No. 19
sn

WPA 13439 of 2021

Ram Naresh Singh
Vs.
The State of West Bengal & Ors.

Mr. Ramdulal Manna
Ms. Manju Manna
Mr. Somenath Mukherjee
Mr. Jayanta Mukherjee
Mr. Sayan Mukherjee

... for the Petitioner

Mr. Haradhan Banerjee
Mr. Amitava Pain
Mr. S. Dutta

..for the pvt. respondents

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... for the State.

This writ petition has been filed alleging inaction on the part of the Officer-in-Charge, Domjur Police Station. The allegation is that the respondent no.4 had forcefully driven out the petitioner, a senior citizen, from his residential house.

Further allegation is that not only the respondent no.4, but also the family members of the respondent no.4 has been continuously harassing the petitioner and had also resisted the entry of the petitioner and his wife into their residential accommodation.

Accordingly, the petitioner approached the local police station, but no steps were taken by the police authorities. Hence the writ petition has been filed.

Mr. Haradhan Banerjee, learned advocate for the respondent no.4 denies such allegation. He submits that the property had been gifted by the petitioner to the husband of the respondent no.4. Subsequently the respondent no.4 was abandoned by her husband. The respondent no.4 and the child had a right to reside in their home.

The police authorities submit that an enquiry was made pursuant to the complaint lodged by the petitioner. On enquiry, it was revealed that both the parties had for some reason or other, left the residential home. It is the specific contention of the police that the private dispute between the parties, cannot be resolved by the police authorities.

This Court is in agreement with the contention of the police authorities. The Court does not find any inaction on the part of the police authorities.

The parties were at one point of time jointly living in the disputed residential premises. Thus, until the title with regard to the property is decided by an appropriate court, all the parties must be allowed to reside thereon amicably, peacefully and by enjoying their respective portions.

The petitioner shall be at liberty to enter the residential house with his wife. If any resistance is faced, he may inform the police authorities and the police authorities shall render all assistance.

It is made clear that the respondent no.4 and her child may reside at the residential house, but the other family members of the said respondent shall not reside in 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.)