

29.11.2022
Court No.13
Item No.2
pk

WPA 17591 of 2022

Sri Ram Thakur
Vs.
The State of West Bengal and Ors.

Mr. Krishna Das Poddar
... For the Petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha
... For the State.

Mr. Angshuman Chakraborty,
Mr. J. S. Saha
... for the private respondents.

Supplementary affidavit filed by the petitioner is
taken on record.

The I. C., Madhyamgram Police Station has
submitted instructions addressed to State advocate
dated 29.11.2022. Enquiries have been made and the
report of the police is taken on record.

There is definitely bad blood between the
petitioner and the private respondents. Charge sheet
has been filed against the son and the daughter-in-
law/private respondents being Charge Sheet No. 416 of
2022 dated 31.08.2022 under Sections 323/341 of the
IPC and Section 24 of the Maintenance and Welfare of
Parents and Senior Citizen Act, 2007.

In the normal circumstances, given the clear
evidence of charge sheet against the private
respondents, this Court could have ordered coercive
measures of their removal from the premises. However,

given the other facts mentioned in the police report of the involvement of the other two brothers, namely, Bijay Thakur and Ajay Thakur, who have not been impleaded as party respondents in the instant proceeding, this Court is not inclined to order any such coercive measures. The private respondents are warned and cautioned against any violence against the writ petitioner.

Madhyamgram Police shall, however, immediately take coercive measures if there is any substantial complaint of any violence by the private respondents against the petitioner. Due enquiries shall, however, be made by the Madhyamgram Police before taking any such step and the process of law shall be followed thereupon.

Madhyamgram Police shall maintain regular vigil over the premises.

Since the private respondents have not used any affidavit, the allegations made in the writ petition shall not be deemed to have been admitted by them.

The writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)