

13.04.2022.
Court No.13
Item No. 58
ap

W.P.A. No. 20886 of 2021

**Sri Shyamal Kumar Ghosh & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Tarapada Das,
Mr. Suvendu Sekhar Das.

...For the petitioners.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar.

...For the State.

Mr. Sabyasachi Mukhopadhyay,
Ms. Koushikee Banerjee.

..For the respondent nos.5 to 8.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioners complain that private
respondents, namely, son, daughter-in-law and
daughter-in-law's parents are preventing the
petitioners from entering their houses and are
torturing.

Counsel for the petitioners submits that his
clients stay in a nearby rented place. He further
submits that the private respondents also come to the
rented premises of the petitioners and have inflicted
torture on them.

Counsel for the private respondents vehemently
denies the above. He submits that the daughter-in-law
has already lodged a complaint against the father-in-
law for abuse and torture. He further submits that
there are injuries sustained by the said daughter-in-

law. He also submits that in respect of the said property and between the co-sharers thereof, there is a partition suit being P.S. No. 20 of 2019 now pending before the learned Civil Judge (Senior Division) at Katwa.

In that view of the matter, since the title to the property is pending consideration in the aforesaid civil suit, the same may be decided in accordance with law.

Admittedly, the private respondents do not reside in the said premises and are living in a rented accommodation.

In view of the aforesaid fact, there is no hindrance the petitioners staying in their own premises.

The Inspector-in-charge, Katwa Police Station shall depute a suitable person to accompany the petitioners back into their residence. In the process of accessing residence, if there is any obstruction or lock found, the Police shall be entitled to break the same open.

Counsel for the private respondents undertakes before this Court that his clients will not in any way disturb the petitioners. Likewise, the petitioners shall also not come with a contact with the private respondents or disturb them in any way.

The Inspector-in-charge, Katwa Police Station shall, however, keep a regular vigil thereat and ensure that there is no breach of peace in the locale.

With the aforesaid observations, the instant writ petition shall stand disposed of.

The report in the form of instructions of the Inspector-in-charge, Katwa Police Station dated 17th February, 2022 addressed to the learned State Advocate is taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)