

01.03.2023
Court No.13
Item No.8
AP

WPA 21016 of 2021
With
IA NO: CAN 1 of 2022

Sri Basudeb Mondal @ Mandal and Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Roy
Mr. Manojit Paul
Ms. Sahina Parvin
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal
Mr. S. Sarkar

... For the Petitioners.

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay

... For the Respondent Nos.5 & 6.

Re.: CAN 1 of 2022

Sufficient grounds are available to explain the absence of the writ petitioners on 18th November, 2022.

The order dated 18th November, 2022 is recalled.

The writ petition is hence restored to its original file and number.

Accordingly, CAN 1 of 2022 is allowed.

Re.: WPA 21016 of 2021

The Inspector-in-Charge, English Bazar Police Station, Malda has filed a report dated 12th January, 2023 and the same is taken on record.

It appears from the report that the private respondents/son and daughter-in-law obstructed the writ petitioners from entering into the house.

The private respondents/son and daughter-in-law are represented. They denied the allegations that they have prevented the writ petitioners from entering into the house. It is further submitted that the petitioners are being instigated by their daughters.

Admittedly, the private respondent/son is a police constable. He is otherwise entitled to housing, provided by the State Police.

The English Bazar Police shall depute a constable, who shall escort the petitioners back into their house. The private respondents/son and daughter-in-law shall not disturb the petitioners in any way. The private respondent/son and his family members shall confine themselves only to one room in the house. The petitioners shall be entitled to exclusive use of the balance of the property.

The Inspector-in-Charge, English Bazar Police Station, Malda shall personally ensure that the aforesaid arrangement is put in place and complied with by the private respondents and their family members.

The private respondents/son and daughter-in-law want to use affidavit.

Let affidavit-in-opposition be filed within a period of three weeks from date; reply, if any, be filed within a week thereafter.

Liberty to mention.

In the event the aforesaid order is not complied with by the private respondents, the petitioners shall be at liberty to apply before this Court.

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

(Rajasekhar Mantha, J.)