

28.09.2022
Court No.13
Item No.30
AP

WPA 20945 of 2022
Rabindra Nath Banerjee
Vs.
State of West Bengal & Ors.

Mr. Vivekananda Bose
Mr. Abhinav Rakshit

... For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das

... For the State.

Mr. Jayanta Narayan Chatterjee
Ms. Paramita Mukhopadhyay
Ms. Nandini Chatterjee
Mr. Supreem Naskar
Ms. Sreeparna Ghosh

... For the private respondent No.6.

Affidavit of service filed in Court today is taken on record.

The petitioner is a senior citizen having flat No.401 at 486, Patuli Ghosh Para, Neer Apartments, PS- Patuli, Kolkata – 700094.

During happier times, the petitioner's son after marriage purchased flat No.402 next door and living thereat with his wife. A partition wall between the two flats was broken to enable free access between the petitioner and his son's family.

Bad blood developed between the parties. The daughter-in-law has filed proceedings under Section 498A against her husband, the petitioner and his wife. She has also filed proceedings under the Domestic Violence Act against her husband.

The petitioner and his wife thereafter left the residence to live with their nephews.

The petitioner now wants to return back to his residence being flat No.401.

The respondent no. 6, daughter-in-law is represented before this Court. It is submitted that she has no objection if the petitioner returns to live in flat No.401.

The petitioner and his wife may, therefore, return to their flat No.401 at the address mentioned in the cause title. The parties shall attempt to restore some form the wall and division between the two flats i.e. Flat No.401 and 402. The expenses for construction or erection of a boundary either permanent or otherwise may be born by the petitioner.

The petitioner and his wife shall not come into contact with the daughter-in-law and vice versa.

The Patuli Police Station shall ensure that the above order is carried out. Any assistance if require by the petitioner or the private respondent to seek enforcement of the aforesaid order shall be forthwith rendered by the Patuli Police Station.

The proceedings instituted by the parties under the relevant Statue now pending shall be dealt with in accordance with law by the police and the concerned authorities.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

Since the respondent has not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by her.

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

(Rajasekhar Mantha, J.)