

27.01.2022
Court No.13
Item No.12
pk

WPA 9958 of 2020

**Narayan Chandra Mondal
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee

... For the Petitioner.

Mr. Pantu Deb Roy
Mr. Pannalal Bandopadhyay

... For the State.

Mr. Satadru Lahiri

... For the Private Respondent.

The petitioner is a senior citizen, retired from state service. The petitioner claims that the son and daughter in law are perpetrating torture and disturbing peaceful living in his residence. Admittedly, the residential house comprises of ground floor and first floor.

Counsel for the State submits that the petitioner in one side and the son on the other side have lodged complaints and counter complaints against each other. Charge sheets have been filed in respect of three such complaints and investigation in one such complaint is pending.

It is expected that investigation be completed as expeditiously as possible.

While it is true that the petitioner is entitled to live peacefully in his own house, he cannot use a charge sheet under Section 354 of the Indian Penal Code in respect of a complaint lodged by the daughter in law against him as a ruse of getting rid the son and daughter in law from the said house. It is equally true that daughter in law and son would feel safe in staying away from the petitioner.

However, in view of the fact that the petitioner submits that he would want to live in the same house duly protected by the police against any harassment by the son and daughter in law, this Court directs the petitioner to reside in the first floor of the said premises exclusively along with his wife. Son and daughter in law shall stay in the ground floor in one room and occupy one room each for kitchen and privy.

It is ordered that the parties shall not in any way coming into contact with each other.

The Officer-in-Charge, Matia Police Station, North 24 Parganas shall immediately attend to any grievance of the disturbance by the other and take steps in accordance with law.

It is expected that the charge sheets are put in committal as expeditiously as possible.

With the aforesaid observations, 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.)