

02.03.2023
Court No.13
Item No.19
AP

WPA 3615 of 2023

**Shri Mohit Rajan Khanra
Vs.
The State of West Bengal and Ors.**

Ms. Amrita Maji

... For the Petitioner.

Mr. Arkadipta Sengupta

... For the Respondent No.5.

The petitioner claims that he has been thrown out of his residence by his daughter-in-law. He has lodged a complaint with the Mahisadal Police Station but in vain. He is now living at the mercy of his friends and relatives. Mahisadal Police Station has filed a report and the same is taken on record.

It appears from the report that the petitioner had gifted the land on which the house existed to his son. The petitioner submits that the house was not gifted to his son. The son in turn has gifted the land as well as the house to the respondent No.6/his ex-wife Rupali Mondal.

Respondent No.6 is now in exclusive possession of the property. The respondent No.5 lives with another person in Kolkata and claims that he works out of this State for daily wage.

This Court is of the view that the police have little or no authority to restore possession of any property to the petitioner. The petitioner may approach to the Civil Court in this regard.

It further transpires from the report of the police that FIR being Mahishadal Police Station Case No.102/23 dated 16th February, 2023 has been registered on the petitioner's complaint against the private respondents. The private respondent/daughter-in-law has also lodged a complaint that was registered as Mahishadal Police Station Case No.106/23 dated 17th February, 2023 inter alia under Sections 498A/323/354/34 of the IPC.

Let the investigation into the aforesaid FIRs be completed as expeditiously as possible.

The petitioner may take out civil or statutory proceedings in respect of the gift deed or any claim for maintenance against his son in accordance with law.

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

There shall 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.)