

28.06.2023
Court No.13
Item No.28
pk

WPA 4204 of 2023

Ibrahim Ali Khan
Vs.
The State of West Bengal and Ors.

Mr. Biswarup Biswas,
Mr. Prabir Rej,
Mr. Pranab Kumar Das

... For the Petitioner.

Md. Mansoor Alam
Mr. Morshed Ali

... For the respondent no. 4.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner complains that the private respondents/his elder son and daughter-in-law have evicted him and his wife from the house.
3. The house originally stood in the name of the petitioner's younger son, who was a bachelor and died on 14.04.1989. The petitioner and his wife have been living in the said house since then.
4. It is submitted by counsel that as per the Mohammedan law, the younger son's property would pass in favour of the writ petitioner/father.
5. Although the petitioner says that he and his wife had been ousted from the house, counsel for the private respondents, on instructions, submits that the petitioner is in fact staying in the same premises. He has no objection to his parents residing in the said premises.
6. The lis must therefore rest on such submissions.

7. However, in the event the petitioner and his wife are again ousted from the house, Maheshtala Police Station shall render all necessary assistance to the petitioner and his wife to re-enter and live in the same house. The parties undertake before this Court to live in peace. The elder son and his wife shall not disturb the petitioner and his wife.
8. In the event the petitioner requires any assistance to enter into the house, he may approach the O. C., Maheshtala Police Station and appropriate assistance may be rendered by the Police.
9. The petitioner and the private respondents shall live in separate rooms in the house and the O. C., Maheshtala Police Station shall ensure appropriate distribution and separate living within the same household between the parties.
10. In the event the petitioner wishes to evict his son and daughter-in-law, he may take out civil appropriate proceedings in accordance with law.
11. The writ petition is disposed of.
12. There will be no order as to cost.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)