

05-04-2023

ct no. 13

sl. 17

pk

WPA 4676 of 2023

Babar Ali Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Jyoti Prakash Chatterjee,
Mr. Debottam Das,
Ms. Shilpa Thapa

...for the petitioner

Mr. Debasish Ghosh,
Mr. Prantik Garai

...for the State

Mr. D. Banerjee,
Ms. Sonali Das,
Ms. Oindrila Ghosh

... for the respondent no. 5.

The writ petitioner complains that he wanted to return to his residence, which is now occupied by his son and daughter-in-law/private respondents. The petitioner says that he left the house a month ago and is currently living with his daughter.

Counsel for the son and daughter-in-law have indicated that the property was gifted to them by the petitioner in 1999. The petitioner has filed a criminal complaint against the son which is registered as FIR and he has been acquitted thereunder. The petitioner had also instituted a Title Suit being T. S. No. 49 of 2000 seeking declaration against the gift deed. The said suit has been dismissed for default.

This Court is unable to countenance the argument of the petitioner that he has left the house only recently. It appears that the petitioner has been residing with the daughter for a substantial period of time.

On the complaint of the petitioner dated 28.02.2023, FIR No. 228 of 2023 has been registered by the Kalna Police Station under the provisions of the IPC and the Welfare of Parents and Senior Citizens Act. Kalna Police submits that the petitioner was offered assistance to live peacefully wherever he wants, but he declined any help.

Counsel for the petitioner submits that the allegation is untrue.

This Court is of the view that no interference is called for in favour of the petitioner in this proceeding.

Let the investigation into the FIR No. 228 of 2023 be completed by the Kalna Police Station in accordance with law.

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.)