

14.12.2023
Sl. No. 676.
D/L.
Mithun
Ct.No.14.

WPA 5316 of 2023

Sk. Aktar Ali
Vs.
The State of West Bengal & Ors.

Mr. Rajnil Mukherjee,
Mr. Masta Fizjur Rahaman,
Ms. Debolina Sarkar,
Ms. Satabdi Dey,

...for the petitioner.

Sk. Md. Galib,
Mr. Abu Siddique Mallik

...for the State.

Affidavit of service filed on behalf of the petitioner
is taken on record.

Despite service, no one appears on behalf of the
private respondents.

Report filed on behalf of the State is also taken on
record. Copy of the same is handed over to the learned
Counsel for the petitioner.

Learned Counsel for the petitioner submits as
follows. The petitioner is an aged about 86 years and is
the owner of the property in question. The private
respondent No.4 is his son and the private respondent
No.5 is his daughter in law. The private respondent had
been torturing the petitioner on some pretext or the
other. They finally ousted the petitioner from his own

residence. This was brought to the notice of the local police authorities, but no steps were taken.

Learned Counsel on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, a proceeding was initiated under Section 107 of the Penal Code. The police are keeping close watch in the developments in the locality.

It appears that the petitioner is the owner of the property in question. An owner of a property cannot be thrown out even by his relatives, especially without due process of law.

At this advanced age, the petitioner cannot be relegated to the Civil Court for obtaining relief.

Accordingly, let the petitioner intimate his intended date and time of return to his residence to the Officer-in-Charge of Memari Police Station within 24 hours' notice. The officer shall thereafter making necessary arrangements to provide armed police escort to the petitioner to return his own residence. The entry of his residence shall be videographed.

Even otherwise, the police authority shall keep sharp vigil at the locale and ensure that no breach of peace takes place.

In the event, if any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to

call up the Officer-in-Charge of the local police station, who shall then act in accordance with law.

With these observations, the instant writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Jay Sengupta, J.)