

24. 24.03.2023  
Court No.13  
Tanmoy Ghosh

**RVW 47 of 2023**

**Nishikanta Jana & Anr.  
-Versus-  
The State of West Bengal & Ors.**

**In  
WPA 20850 of 2022**

Mr. Sushil Kr. Maurya, Adv.,  
Mr. Sujeet Kr. Maurya, Adv.

...for the petitioner.

Mr. Nilotpal Chatterjee Adv.,  
Mr. Debapriya Chatterjee, Adv.

...for the State.

Mr. Debasish Das, Adv.,

...for the respondent nos.5-8.

Review is sought on the order dated February 1, 2023.

It is submitted that the facts of the case could not be apprised appropriately by learned Counsel for the petitioner to the Court. The private respondents were not represented on that day.

The facts of the case are that in the year 2020, the petitioner gifted a property that belonged to him at 316/8, Roy Bahadur Road, Police Station – Behala, Kolkata – 700053, to his widowed daughter, namely, Manasi Hazra. He was, at the relevant time, residing in the said premises.

Sometime in 2014 he allowed the second daughter, namely, Tapasi Sardar, her husband Gopal Sardar and their children to live with him temporarily for three

months. The said second daughter, Tapasi Sardar and her family continued to live there and did not vacate the premises.

The petitioner had to leave the said premises due to continued harassment by the second daughter and her family and is now living with the widowed daughter, Manasi Hazra at her residence at 355, Roy Bahadur Road, Kolkata – 700053.

This Court is of the view that the remedy of the petitioner lies in the civil forum where the petitioner can maintain any proceeding for eviction of the second daughter, Tapasi Sardar and her family from the said premises by taking out appropriate application.

The order dated February 1, 2023 shall stand reviewed and recalled.

RVW 47 of 2023 is allowed and disposed of.

The instructions of the Behala Police dated March 17, 2023 be kept with the records.

**(Rajasekhar Mantha, J.)**