

WPA 7383 of 2023

Moslema Mallick & anr.

-vs-

State of West Bengal & ors.

Mr. Priyanjit Kundu

Ms. Snigdha Saha

....for the petitioners

Mr. Santanu Kr. Mitra

Ms. Rama Halder

...for the State

Report filed on behalf of the State is taken on record.

It appears from the affidavit of service filed earlier that the private respondents were served with notice. However, they are not represented.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents of the respondent no.9 and parents in law of the respondent no.10. The petitioner no.2 is the owner of the property in question in which all of them used to reside. This writ petition was filed alleging police inaction in respect of atrocities committed by the son and the daughter in law. However, after the writ petition was filed, the private respondents have actually ousted the petitioners from their own property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioners, an FIR being Jamalpur Police Station Case No. 101 dated 30.03.2023 was registered. A charge sheet

has been submitted in this regard. The police are keeping a close watch on the developments in the locality.

A son would be staying in the property belonging to his father as a licensee. It shall be open to the father to take recourse to due process of law even to evict such son.

However, in no event, can the son or the daughter in law evict the father who is the owner of the property from his own property.

At this advanced stage, the petitioners need not be relegated to the Civil Court to seek appropriate relief.

In the event the petitioners have actually been ousted from their own property by the private respondents, they shall be at liberty to inform their intended date and time of return to the Officer in Charge of Jamalpur Police Station with a 24 hours' notice. The Officer shall make adequate police arrangements to escort them to their own house. The entry of the petitioners to their own house shall be videographed.

Even thereafter, the respondent police authorities shall remain a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

