

19.04.2023
Court No.13
Item No.25
AP

WPA 8410 of 2023

Mrinal Kanti Nath
Vs.
The State of West Bengal and Ors.

Mr. Souma Subhra Ray

... For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Mirza Kamruddin

... For the State.

1. The petitioner claims that he has been driven out of the residential flat by the private respondents/son and daughter-in-law.

2. Despite service of notice, the private respondents are not represented. Affidavit of service filed in Court today is taken on record.

3. The petitioner drives a taxi for a living.

4. Learned counsel for the State has produced a report in the form of instructions dated 12th April, 2023 issued by the Officer-in-Charge, Parnasree Police Station addressed to the learned Government Pleader and the same is taken on record.

5. It appears from the report, that on an earlier complaint of the petitioner against the private respondents/son and daughter-in-law, he was given back possession of his house. Thereafter he was again driven out from the house. He again lodged complaint with the Parnasree Police, which is registered as Parnasree Police Station Case No.64

dated 13th February, 2023 under sections 114, 448, 341 of the IPC. He was put back in possession of his house by the Parnasree Police, but claims to have been driven out once again.

6. Based on the instructions of the Parnasree Police, this Court is of the view that the petitioner is entitled to be restored back possession of his house. The private respondents cannot have any right, title or interest on the said property.

7. Parnasree Police shall once again escort back the petitioner into his house. The private respondents shall be suitably warned against disturbing the petitioner in any way.

8. Given the fact that the private respondents are at best licensees in the property in question, in the event of any further complaint from the petitioner, Parnasree Police shall take coercive steps against the son and daughter-in-law and detain them in custody after due enquiry.

9. Once the private respondents are detained, they shall not be permitted by the Parnasree Police to enter into the house again.

10. A copy of this order shall be communicated to the private respondents by the Parnasree Police.

11. With the aforesaid directions, the writ petition shall stand disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)