

WPA 14611 of 2023

Abdur Rahim Sk.

-vs-

State of West Bengal & ors.

Mr. Sk. Abdus Salam
Mr. Subrata Mukherjee

....for the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take steps on the complaint lodged by the petitioner about the illegal activities of the private respondent no.6.

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

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondent no.6 is his elder son. The said private respondent had been abusing, threatening and intimidating the petitioner without any rhyme or reason. Despite bringing this to the notice of the

local police authority, no steps have been taken as yet.

Learned senior standing counsel representing the State relies on the report and submits as follows. The respondent no.6 had been objecting to the petitioner's attempt to sell his own property. A quarrel took place over this. On the complaint of the petitioner, the police shall initiate a proceeding under Section 107 of the Code.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

If the petitioner is the owner of the property in question then his son, the respondent no.6 is only a licensee in respect of the said property. It is open to the petitioner to initiate steps for evicting the said respondents either under the corresponding civil law or under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

However, so far as the complaint of the petitioner made to the police is concerned, the police have already taken steps and a proceeding has been initiated under Section 107 of the Code.

As such, no further order need be passed in this matter.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is done to the present petitioner.

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.)