

24.07.2023
sayandeep
Sl. No. 08
Ct. No. 14

WPA 14990 of 2023

Amitava Paul
-versus-
The State of West Bengal & Ors.

Mr. Manojit Bhattacharya
Mr. Sumitra Bhattacharya

..... for the petitioner

Mr. Ashis Kr. Guha
Mr. Bibekananda Tripathy

.....for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take action against the respondent Nos. 4 and 5 by ousting them from the premises of the petitioner.

The affidavit-of-service filed on behalf of the petitioner is taken on record.

It appears that the notices returned with the endorsement "left". However, the petitioner insists that the private respondents are still residing at his premises.

Learned counsel appearing on behalf of the petitioner further submits as follows. The petitioner is the father of the respondent No. 4 and the respondent No. 5 is the wife of the respondent No. 4. The private respondents had been harassing and intimidating the petitioner and torturing him in several ways. They want to grab the property in question which belongs to the

petitioner. The petitioner was constrained to file complaints before the police authorities, but no action has been taken by them in this regard.

Learned counsel appearing for the State submits that the police would keep a vigil at the place and maintain peace.

I have heard the submissions of learned counsel appearing on behalf of the parties and have perused the writ petition.

If the petitioner wants to evict the private respondents from the premises or seek any other appropriate relief, it is open to him to approach the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

However, so far as the complaints of torture on the petitioner are concerned, the police authorities shall keep a sharp vigil at the locale and ensure that no harm is done to the present petitioner.

If subsequently the petitioner comes up with a complaint making out a cognizable case, the police shall register an FIR and investigate into the same.

With these observations, the writ petition is disposed of.

Since affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)