

21.08.2023
Sl. No. 26
Suman
Ct.No.14

WPA 15084 of 2023

**Narendra Nath Mandal & Anr.
Vs.
The State of West Bengal and Ors.**

Mr. Sougata Mitra
Mr. Rameswar Sinha
..for the petitioners

Mr. Suman Sengupta
Mr. Ratul Biswas
..for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide police protection of the lives and property of the petitioners and to ensure peaceful stay of the petitioners at their residential house and to take action against the unlawful activities of the private respondents.

Affidavit of service filed on behalf of the petitioner be kept on record.

Despite service no one appears on behalf of the private respondents.

The report filed on behalf of the State is taken on record.

The learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the absolute owners of the landed property in question. The private respondents are the elder son and daughter-in-law of the petitioners. They have been torturing the petitioners for quite some time. Being unable to bear these, the younger son and daughter-in-law had to leave the petitioner's house. Now, the said private respondents have made the life of the petitioners miserable. They have locked most of the portions of the property. They are denying the petitioner use of water and other essential things. They had always been threatening to oust the petitioners from their own house. Now, they have actually ousted them.

Learned counsel on behalf of the State relies on the report and submits as follows. After getting a complaint from the petitioners, proper steps have been taken and a proceeding was initiated under Section 107 of the Code of Criminal Procedure. A specific FIR being Hura P.S. Case No. 90 of 2023 dated 29.06.2023 was also started against the private respondents. However, it is the information available to the authorities that the petitioners are perhaps still in possession of the property in question.

I have heard the learned counsel appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

This is another unfortunate case where the petitioners have to allege that their own son and daughter-in-law are torturing them and, in fact, have ousted them from their own property.

A son and his wife stay in the former's father's house as licensees. It is always open to the petitioners to initiate a proceeding before the civil court to evict them.

If the petitioners have actually been ousted from their own house by their own son and daughter-in-law, at this advanced age they shall not be relegated to the Civil Court to seek appropriate relief. In such event, the petitioners shall report to the Officer-in-charge of the concerned P.S. about the date on which they want to return home with a 24 hours' notice and proper police protection shall be provided by the local police authorities for their return home. Even after that the respondent police authorities shall keep a sharp vigil at the locale and ensure no breach of peace takes place.

With these observations, the instant writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties on usual undertakings.

(Jay Sengupta, J.)