

20.07.2023
Item No.27
BR

WPA 16372 of 2023

Parul Kar and Ors.
-VS
State of West Bengal & Ors.

Mr. Anindya Chowdhury
.... For the petitioner

Mr. Rajarshi Basu,
Mr. S.T.Mina
.... For the State

This is an application under Article 226 of the Constitution of India thereby praying for direction upon the respondent authorities to make the private respondents vacate the premises and to lodge an FIR on the complaint of the petitioners.

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

Despite service, no one appears on behalf of the private respondent. The State is represented.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner No. 1 is an octogenarian person and she is the mother of the petitioner No. 2 who is the husband of the petitioner No. 3. She is suffering from various ailments. The private respondents are the son and daughter-in-law

of the petitioner Nos. 2 and 3. After the private respondents got married , they started inflicting torture and harassment on the present petitioners. They were verbally abused as well as physically assaulted. The petitioners approached the police authorities with a complaint, but the police authorities have taken no effective steps in this regard.

Learned counsel appearing on behalf of the State submits as follows. The prayer made by the petitioner to have the private respondents vacate the premises and to register an FIR are perhaps not maintainable. However, they would be at liberty to approach before the appropriate forum for such purpose.

I have heard the learned counsels for the parties and have perused the writ petition.

It is an unfortunate case where the private respondents are allegedly harassing and intimidating from the petitioner nos. 1 to 3.

For evicting the private respondents from the premises it shall be open to the petitioners to make appropriate application under the Senior Citizens' Act.

However, on the complaint of the petitioners if a cognizable case is made out then the police would lodge an FIR and investigate into the offences.

In any event, the police authorities shall initiate a proceeding under

Section 107 of the Code in respect of said complaint.

The respondent authorities shall keep a vigil at the locale and ensure that no untoward incident takes place.

With these directions the writ petition is disposed of.

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

(Jay Sengupta, J.)