

27.07.2023
Item No. 39
BR

WPA 16912 of 2023
Sukumar Dolai
-vs
State of West Bengal & Ors.

Md. Jannat Ul Firdous,
Md. Jalaluddin

.... For the petitioner

Mr. Ashis Kumar Guha ,
Mr. Rajendra Chaturvedi
... for the State

This is an application under Article 226 of the Constitution of India praying for direction, especially upon the respondent nos. 3, to take an appropriate action against the private respondents as per the petitioner's complaint dated 6.7.2023, investigate into the petitioner's FIR being Sutahata P.S. Case No. 222 dated 22.6.2023 and render police protection so that the petitioner can enter into his own house at Mohanpur.

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

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

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 father of the respondent no. 4. The petitioner owns the property in question where he used to stay with his wife and other family members. However, the respondent no. 4 along with the other respondents forcibly ousted them from their own residence. They were compelled to take refuge at the son-in-law's residence. They lodged an FIR, which needs to be investigated properly. They further seek police help to enter into their own house.

Learned counsel appearing on behalf of the State submits as follows. Not only an FIR was lodged and is being investigated at the behest of the petitioner. After receiving further complaint from the petitioner, a proceeding was initiated under Section 107 of the Code against the private respondents. The police are maintaining a strict vigil at the locality.

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

Since the petitioner is the owner of the property in question, if he wants

to evict his son or any other person from the property in question he can take recourse to ordinary civil law or invoke the provisions under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

However, for entering into his own house, the petitioner and his wife cannot be relegated to the Civil Court.

Let police render adequate assistance so that the petitioner and his wife can enter into their own house.

Accordingly, upon 24 hours' notice to the Officer-in-Charge of the Sutahati Police Station, the latter should make necessary police arrangement so that the petitioner and his wife can return home. Even after they are able to return and start staying at their residence, the police authorities shall keep a sharp vigil and ensure that no harm takes place to them at the residence.

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.)

