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05.09.2023
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Ct 14

WPA 19008 of 2023

Sri Panchanan Addaya

-vs-

State of West Bengal & ors.

Mr. Debabrata Acharyya

Mr. Sital Samanta

...for the petitioner

Mr. Kallol Kumar Basu

Mr. Anindya Sundar Das

Md. Jannat Ul Firdous

Mr. Sukanta Das

Mr. Bappaditya Roy

...for the respondent

Mr. Ansar Mondal

Mr. Asish Dutta

...for the State

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

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 an aged person and is the joint owner of the property in question along with his wife the respondent no.8. In 2021, the petitioner gifted away the first and the second floors of the property to the son being the respondent no.6. Thereafter the troubles started. The son and his wife in league with the petitioner's wife started harassing the petitioner and trying to grab the entire property. The petitioner is in a possession of the ground

floor. He has a shop there. The private respondent ransacked the shop and looted away articles. Things have gone to such extent that the respondent no.6 is restraining the petitioner from entering into the property. Earlier, a similar situation has arisen, which prompted the petitioner to approach this Court. By an order dated 01.03.2023 passed in WPA 2265 of 2023, it was recorded that the wife, the son and the daughter in law did not have any objection to the writ petitioner's returning to his house. But, the petitioner shall not introduce any other lady or friends into the house. Some protection may be given to the petitioner again so that he can return to his property.

Learned counsel appearing on behalf of the private respondent submits as follows. The gift was made of the entire property and not just two floors. The license in respect of the shop in question is also in the name of the respondent no.6. In fact, as per the record of rights, the land still remains in the name of the respondent no.6. The petitioner is staying at another place. His only aim is to create disturbance at the property in question. However, the private respondents again submit, as in the earlier writ proceeding, that they do not have any objection to the writ petitioner returning to their house. However, the petitioner shall not introduce any other lady or friend into the house.

It appears that the order dated 01.03.2023 passed by this Court in WPA 2265 of 2023 has not been challenged.

It further appears that the private respondent is not

going to prevent the petitioner from entering the premises in question. However, they do not want any other lady who might be in some kind of relationship with the petitioner to enter the property.

In the event, the petitioner wants to return to his property, he shall intimate the Officer-in-Charge of Moyna Police Station about the time and date with a 24 hours' notice. The respondent police authorities shall remain present when the petitioner would enter the premises. However, it is clarified that the petitioner shall not introduce any lady or friend to the house who would allegedly be in some kind of a relationship with him.

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.)