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16.08.
2023
Ct. No.14

WPA 19681 of 2023

Hare Krishna Debnath & Anr.
Vs.
The State of W. B. & Ors.

Mr. Tarapada Das
.....For the Petitioners
Mr. Ashim Kr. Ganguly
Ms. Jyotsna Roy Mukhjee
.....For the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take necessary action against the private respondent and protect the lives and properties of the petitioners and other family members.

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

Learned counsel for the petitioners submits as follows. The respondent no.4 is the younger son of the present petitioners. He has been torturing his parents for quite some time now. For the last two weeks the torture has increased. Information was given to the police, but no effective steps were taken except for initiating a proceeding under Section 107 of the Code. The petitioners are fearing for their lives.

Learned counsels appearing on behalf of the State submit as follows. Upon instruction it is submitted that a specific police case being Bauria Police Station Case no. 139 dated 15.08.23 under Sections 341/329/506/34 of the Indian Penal Code and Sections 24/25 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has already been started upon complaint made by the petitioners. The same is being investigated into. The police had initiated a proceeding under Section 107 of the Code of Criminal Procedure in this regard.

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

If the petitioners are owners of the property in question, then their son, the respondent no.4 is only a licensee in respect of the same. Therefore, the petitioners can initiate appropriate proceedings before the competent forum for evicting the private respondent.

The allegation of police inaction in taking effective steps on the complaint of the petitioners has also been redressed. Not only a proceeding under Section 107 of the Code was started, but a specific FIR has also been registered on the complaint of the petitioners. The

allegations are being investigated into.

Therefore, no further order need be passed in this regard.

However, the respondent police authorities shall maintain sharp vigil and ensure that no breach of peace takes place or any harm is occasioned to the present petitioners.

With these observations the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be handed over to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

