

Item No.14

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.08.2023
Ct-24

WPA 19790 of 2023
Rajaram Maity & Anr.
v.
The State of West Bengal & Ors.

Mr. Asim Kumar Niogi
Mr. Debdip Mandal
Mr. Bhaskar Pal
...For the petitioners.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
...For the State.

Mr. Partha Sarathi Mondal
...For the respondent nos. 7 to 11.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to render police protection to the petitioners for the safety and security and peaceful possession of their property.

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

Report filed on behalf of the State is also on record.

Learned counsel for the petitioners submits as follows. The petitioner no. 1 is the owner of the property in question. The petitioner no. 2 is his wife while the

respondent nos. 7 and 8 are his son and daughter-in-law and the respondent nos. 9-11 are the other relatives who stayed nearby. After their marriage, the petitioners' son and the daughter-in-law had been torturing the petitioners in some way or the other. They always wanted to drive out the petitioners and grab the petitioners' property. In a collusive manner the respondent the daughter-in-law being the respondent no. 8, lodged complaints, inter alia, under Section 498A against the petitioners. The petitioners' son and daughter-in-law had assaulted the petitioners on several occasions and on some occasions they had to receive medical treatment from hospital. The petitioners want to return their house and wish that the son and daughter-in-law are removed from their house.

Learned counsel on behalf of the respondent nos. 7 to 11 submits as follows. The allegations made in the writ petition are denied. It is the parents-in-law who had been torturing the daughter-in-law for which cases had to be initiated. In fact, the father and mother would often beat up the son being the respondent no. 7. They have also abused the parents-in-law of the respondent no. 7.

Learned counsel for the State submits that there are several cases and counter cases filed between the parties. Steps have been taken on the complaint filed by the petitioners.

I have heard the learned counsel for the parties and have perused the writ petition and the report filed by the State.

It appears that there is a civil dispute between the adverse parties. However, this is no excuse for anyone to

throw out the petitioners from the said property, especially when the petitioner no. 1 happens to be admittedly the owner of the said property.

In fact, the son and the daughter-in-law are living as licensees in respect of such property and the petitioner no. 1 has every right to evict them by filing an application before the Civil Court.

The respondent authorities shall render adequate police protection so that the petitioners can enter into their own house. On a 24 hours' notice to the Officer-in-Charge of the local Police Station, the police shall render adequate police help so that the petitioners can enter into their house. Even thereafter the police shall maintain peace and keep a sharp vigil so that no breach of peace takes place.

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 far as possible. copy.

Sh.

(Jay Sengupta, J.)