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Ct 14

WPA 20235 of 2023

Sri Sewji Tatwa
-vs-
State of West Bengal & ors.

Mr. Biswajit Manna
Mr. S. P. Tewary
Ms. Suparna Mallick

...for the petitioner
Mr. Mukteswar Maity
Ms. Manika Sarkar
..for the respondent no.5
Mr. Sk. Md. Galib
Mr. Tamal Taru Panda
...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 the owner of the property in question. The respondent nos. 4 and 5 are his son and daughter in law. The petitioner has been living with his family in the said house. For some time, the private respondents had been disturbing the possession of the petitioner with an aim to grab the entire property. Now they have ousted the petitioner and his wife and daughter from the property. Police was intimated, but help was denied.

Learned counsel appearing on behalf of the private

respondents submits as follows. The allegations made in the writ petition are denied. It was the daughter in law who was subjected to torture by the husband as well as other in laws. This led to the filing of Liluah Police Station Case No.105 of 2022 dated 14.03.2022 under Section 498A of the Indian Penal Code and a charge sheet has been submitted in the same. The private respondent no.5 was also constrained to initiate a proceeding under the Protection of Women from Domestic Violence Act as also a civil suit praying for an order not to evict her from the matrimonial home. The respondent no.5 has never prevented and never will cause any hindrance to the petitioner or his family members from entering into their residence.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. In the year 2022, the private respondent no.5 lodged an FIR against all the in laws under Section 498A of the Penal Code. A charge sheet has been submitted in the same. Thereafter the petitioner came and lodged an FIR being Liluah Police Station Case No. 373 dated 28.07.2022 under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code and Sections 24 and 26 of the Maintenance and Welfare of Parents and Senior Citizens Act against the daughter in law. A charge sheet has been submitted in the said case. The petitioner has also filed a proceeding at the office of the SDO under the Act of 2007. In the meantime, the respondent no.5 moved the appropriate

forum under the Protection of Women from Domestic Violence Act. Thereafter, the petitioner and his son the respondent no.4 came together to the police station and submitted that the son was ready to vacate the premises.

It appears that several proceeding are pending between the private parties. Let them be taken to their logical conclusion.

It also appear that the police have acted on all the complaints filed by both the sides.

Learned counsel for the respondent no.5 has also submitted that his client would not prevent the petitioner from entering into his own house.

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

The writ petition is disposed of without costs.

However, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

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

(Jay Sengupta, J.)