

05.01.2023.
Court No.13
Item No. 5
pk

W.P.A. No. 21130 of 2022

**Smt. Aruna Mondal and another
Versus
The State of West Bengal & Ors.**

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Hare Krishna Halder,
Mr. Arkoday Mukherjee

...For the petitioners.

Ms. Chama Mookherji,
Mr. Gourav Das

... For the State.

Affidavit of service filed in Court is taken on record.

Despite service of notice, the private respondents/son and daughter-in-law are not represented.

The petitioners complain that the private respondents have wrongfully thrown them out of their residence. The house is standing in the name of the petitioner no. 1/mother of the private respondent no. 6.

The report of the O. C., Matia Police Station, Basirhat Police District dated 19.09.2022 indicates that there have been criminal cases filed by the mother and father against the son and daughter-in-law and vice versa. It is submitted that the same have ended in charge sheets as per the following particulars:

“Basirhat P. S. Case No. 234 of 2013 dated
21.02.2013 under Sections

147/498A/406/120B/323/34 of the IPC in which charge sheet has been filed. Charge Sheet No. 257 of 2022 dated 31.07.2022 under Sections 341/323/506 of the IPC against the respondent no. 6 has been filed. Charge Sheet no. 1050 of 2013 dated 15th September, 2013 under Sections 448/341/323 of the IPC has been filed and Charge Sheet No. 439 of 2014 dated 13.06.2014 under Sections 448/506/324/323 of the IPC has been filed. Charge sheet No. 527 of 2014 dated 30.06.2014 under Sections 341/323/506 of the IPC has been filed.

It appears from the submissions of the parties that the said charge sheets have not proceeded to trial and there has been amicable settlement.

In the meantime, T. S. No. 179 of 2022 has also been filed by the private respondents/son and daughter-in-law. It is pending before the learned Civil Judge(Junior Division), 1st Court, Basirhat in which injunction has been refused by the court below till date. The son has filed the said civil suit against being evicted and has also sought a declaration that he is a licensee in respect of the property.

This Court sees that there is continuous bad blood between the parents and the son and daughter-in-law.

Be that as it may, the petitioner no. 1 is admittedly the owner of the property and is entitled to live thereat.

In the above circumstances, the petitioners being Aruna Mondal and Asit Mondal shall be escorted back into their house by the O. C., Matia Police Station forthwith. The private respondents shall be warned against causing any harm to the petitioners.

The police shall maintain regular vigil on the said premises and ensure that there is no breach of peace in the area.

Report of the O. C., Matia Police Station dated 19.09.2022 is taken on record.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)