

15-03-2023

ct no. 13

sl. 14

sp

WPA 22746 of 2022

Ananda Mohan Sarkar

-Versus-

The State of West Bengal & Ors.

Mr. Abhik Sarkar,
Mr. Kalidas Saha

...for the petitioner

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

...for the State

Mr. Sudipta Dasgupta,
Ms. Dipa Acharyya

...for the private respondent

The petitioner claims that he has been thrown out from his house by the private respondent, son.

The private respondent, son is represented.

The private respondent submits that since after his late mother had filed a complaint under Section 498A of the Cr. P.C., the petitioner has voluntarily left the house. The mother has died on August 10, 2009.

The petitioner is now living with another lady, according to the counsel for the private respondent, son.

The private respondent, son submits that he has a share in the property since the house stands in the name of his father and late mother, jointly.

This Court is of the view that the son as well as the petitioner are entitled to stay in the house. The house comprises of first and ground floor. The petitioner, father shall stay and occupy the entire ground floor. The son shall stay and occupy the entire first floor.

The petitioner as well as the private respondent and his family members shall have common access to the privy and kitchen in the house.

The petitioner may live with anybody of his choice for his care and concern.

The respective devolution of the property and the rights in that regard may be agitated in an appropriate civil proceeding. The petitioner and the son and his family members shall not disturb one another.

The English Bazar Police Station shall maintain vigil over the premises and ensure that there is absolutely no breach of peace in the area.

With the aforesaid observations, W.P.A. 22746 of 2022 shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)