

24.11.2023

33

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W.P.A. 22980 of 2023

**Bilwapada Bera
Vs.
The State of West Bengal & ors.**

Mr. D. N. Chatterjee
Mr. Subhas Ch. Saha
... for the petitioner

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

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

It appears that two addressees have refused to accept the notice and one addressee could not be located.

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

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question and the private respondents are his sons, daughter and daughter-in-law. The private respondents ousted the present petitioner from his own property in the year 2021. He filed several cases in this regard, but the police have not rendered any help.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner had married twice. The children from the second wife made complaints against him. In fact, complaints were made from both the sides. F.I.Rs. were registered and

charge-sheets were submitted. The petitioner had to be arrested in 2021. A charge, among other things, was under Section 376 of the Penal Code. The police have always taken steps whenever any of the parties approached them. The police are keeping a close watch on the developments in the locality.

It appears that the petitioner seeks to take back possession of the property from his own children. There is also an issue of there being two wives and children from the two marriages.

In view of the same, the petitioner shall be at liberty to pray for appropriate relief before the learned Civil Court.

Let the criminal cases started be taken to their logical conclusions at the earliest and in accordance with law.

The police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes places.

With these observations, the writ petition is disposed of without any costs.

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

(Jay Sengupta, J.)