

24.01.2023.
Court No.13
Suppl Item No. 3
ap

W.P.A. No. 24299 of 2022

**Smt. Kalyani Saha
Versus
The State of West Bengal & Ors.**

Mr. Dhiraj Trivedi,
Ms. Swapna Jha.

...For the petitioner.

Despite service of notice, the respondent no.6 is not represented. Affidavit-of-service filed in Court today be taken on record.

The petitioner complains that the respondent no.6, son, who is residing in the first floor of the premises owned by the writ petitioner, is torturing her and her husband.

Mohanpur Police Station, Barrackpore Police Commissionerate has submitted a report dated 14th November, 2022 before this Court. The same is taken on record.

It appears from the said report that there is admittedly constant friction between the son, the respondent no.6 and the petitioner. Mohanpur Police Station has indicated in their report that the dispute is civil in nature.

This Court is unable to accept the submissions of Mohanpur Police Station. The property stands in the name of the petitioner.

The petitioner and her husband, who are the senior citizens, are prima facie entitled to live in their property in peace and to the exclusion of the operation of other persons including their children.

This Court has held on many earlier occasions as have the Hon'ble Supreme Court of India and the Punjab & Haryana High Court, that children are at best licensees in the house of their parents. Such licence comes to an end where the parents are uncomfortable of the presence of the children.

Be that as it may, Mohanpur Police Station shall register an FIR in respect of the petitioner's complaint against the private respondent no.6/son of assault after due enquiry and investigation and considering the medical report annexed to the writ petition.

The son, being the respondent no.6, shall be sternly warned against causing any harm to the petitioner and the son shall not come into contact with the parents. If the son has any grievance against the parents, he may be moved out from the residence, by the police.

The Officer-in-charge, Mohanpur Police Station shall not hesitate to escort the respondent no.6/son out of the residence, if necessary, in future.

If there are in fact civil dispute as regards the title of the property, the same may be dealt with in appropriate civil proceedings in accordance with law by the son.

The Officer-in-charge, Mohanpur Police Station shall keep a close vigil of the premises and any further complaint from the petitioner against the private respondent no.6/son, shall be dealt with and coercive measures shall be taken.

With the aforesaid directions, the instant writ petition shall stand disposed of.

A copy of this order shall be made available to the son/respondent no.6 immediately.

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.)