

15.06.2023.
Court No.13
Item No. 257
ap

W.P.A. No. 25862 of 2022
Hari Dutta Badada & Anr.
Versus
The State of West Bengal & Ors.

Mr. Bidyut Halder,
Mr. Indranil Halder,
Ms. Srabanti Das,
Ms. Neha Singh.

...For the petitioners.

Mr. Amitesh Banerjee, Id. Sr. St. Counsel,
Mr. Suddhadev Adak.

...For the State.

Mr. Uttiya Ray,
Mr. Arnab Mandal.

...For the respondent no.5.

1. The petitioners complain that the private respondent, step son, is intimidating and threatening them.
2. It is alleged that the private respondent wants the petitioners to gift their property to him. The petitioners claim to have been driven out from their house and have been living in Rajasthan for more than two years.
3. The private respondent is represented. He submits that he lives in a separate premises, independent of that of the writ petitioners.
4. Counsel for the private respondent submits that the writ petitioners left on their own and they are staying in Rajasthan with their biological daughter. He further submits that the private respondent has no claim in respect of the petitioner's property.

5. The police have offered assistance to the petitioners repeatedly to return to their residence but the petitioners have not availed it.

6. This Court is of the view that the writ petition may have been engineered at the instance of the biological daughter of the petitioners.

7. As to who the writ petitioners will gift or transfer their property, is their own discretion. They may exercise such discretion in accordance with law and as per their own wish and will.

8. The writ petition appears to be an abuse of process of law and is dismissed with a warning to the writ petitioners and their biological daughter not to engage in such frivolous litigation in future.

9. There will be no order as to costs.

10. 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.)