

12.04.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 26885 of 2022
Sri Mrityunjoy Samanta & Anr.
Versus
The State of West Bengal & Ors.

Mr. Arka Bhattacharya.

...For the petitioners.

Mr. Raja Saha,
Mr. Prantik Gorai.

...For the State.

In terms of the order dated 29th March, 2023, supplementary affidavit has been filed by the Counsel for the petitioner. The same is taken on record.

The petitioner no.2 complains that the private respondent no.8, second son has ousted him from his premises.

Admittedly, the petitioner no.1 has gifted a portion of his property to the petitioner no.2 and the private respondent no.8. The petitioner no.2 and the private respondent no.8 are stepbrothers, who are constantly at war with each other. Complaint and counter complaints have been filed. FIRs have been registered in support of serious complaints by Tamluk Police Station and as many as three charge-sheets have been filed in respect of the FIR filed against both of them.

The father of the petitioner no.1 is stated to have been siding with one brother, who is the petitioner no.2. What is interesting, however, is that there is a civil suit being Title Suit No. 156 of 2021 filed by the

petitioner no.2 against the private respondent no.8. Injunction has been granted in the civil suit.

In the aforesaid circumstances, this Court has no hesitation to hold that the petitioner no.2/son is using the senior citizen/father as a front to unleash a personal vendetta against the private respondent no.8. This Court's observation shall not in any way be construed as a licence to the private respondent no.8 to misbehave with the petitioner no.1.

Tamluk Police Station has taken all steps possible in law. There is no inaction on their part.

Given the multiplicity of the proceedings and the motive behind setting up the petitioner no.1 before this Court, as already discussed hereinabove, the writ petition shall stand dismissed with costs assessed at Rs.11,000/- (Rupees eleven thousand only) payable by the petitioner no.2 to the Tamluk Police Station within a period of ten days from date.

In default of payment of the aforesaid costs, Tamluk Police Station shall be entitled to recover the costs under the provisions of the Bengal Public Demand Recovery Act and/or by any other lawful means.

With the aforesaid directions, the instant writ petition shall stand 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.)