

WPA 27386 of 2023

Mohan Samanta & anr.

-vs-

The State of West Bengal & ors.

Mr. Navanil De

Mr. Neil Basu

Mr. Subhrajit Dey

Mr. Sankha Biswas

...for the petitioners

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

...for the State

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the owner of the property in question. and the petitioner no.2 is his wife. The respondent no.8 is their son and respondent no.9 is the daughter in law. The private respondents have been disturbing the peaceful possession and enjoyment of the property by the petitioners. Some time ago, the private respondents ousted the petitioners from their own residence and demolished the house. The petitioners were constrained to approach the concerned SDO. But the private respondents had been avoiding appearing before the said forum.

Learned counsel appearing on behalf of the State relies

on the report and submits as follows. On the complaint of the petitioners, a proceeding has been initiated under Section 107 of the Code. Otherwise, the dispute is between family members.

It appears that the petitioner no.1 is the owner of the property in question who has been allegedly ousted by her son and daughter in law.

At this advanced age, the petitioners should not be relegated to the Civil Court for obtaining relief.

Let the petitioners intimate the Officer in Charge of Kolaghat Police Station about the date and time of their return to their own house or whatever is left of it. The Officer shall make arrangements for necessary police escort to accompany them to their residence. The entry into the petitioners' land shall be videographed.

Even otherwise the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

The petitioners shall be at liberty to pray for early disposal of the application before the concerned SDO

Since affidavits were not called for, allegations are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

