

621 06.12.2023
NB Ct. 14

WPA 28627 of 2022

Sk. Shabuddin
Vs.
The State of West Bengal & Ors.

Mr. Netai Chandra Saha,
Mr. Abhijit Ch.I Majumder.
....for the petitioner.

Mr. Prosenjit Mukherjee,
Ms. Poulami Dutta.
...for the respondent nos.4&5.

Mr. Somnath Ganguly, Id. AGP,
Ms. Priyamvada Singh.
...for the State.

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

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The respondent no.4 is his son and the respondent no.5, the daughter in law. For some time now, especially after the death of the petitioner's wife, the private respondents had been torturing the petitioner. The private respondent no.4 is not maintaining the petitioner despite having sufficient income. The petitioner is having to drive a taxi at this old age of 60 years. A complaint was made before the police authorities, but was not acted upon.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the

writ petition are denied. The respondent no.4 earns about eighteen thousand and odd per month. From such salary, he maintains his family including the present petitioner. Actually, the present petitioner wants to marry again and wants the only room in the apartment vacated.

Learned counsel appearing on behalf of the State relies on the report and submits that the dispute between the private parties is purely a family matter. However, the police authorities are trying to keep peace.

It appears that the dispute between the private parties is purely a family issue, which has to be settled between them.

However, if any of the parties wishes to establish any further right in respect of the property, he shall be at liberty to approach the civil Court.

It does not appear that the complaint appended to the writ petition makes out a cognizable case.

However, the police authorities shall keep a close vigil at the locale and ensure that no breach of peace takes place.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)