

OD-02

ORDER SHEET
WPO/1305/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SRI KSHITISH CHANDRA DE
-VS-
THE STATE OF WEST BENGAL AND ORS

BEFORE:
HON'BLE JUSTICE RAJASEKHAR MANTHA
DATE: 27TH JUNE 2023.

APPEARANCE:
Mr. S. Lahiri, Adv.; Mr. D. Dutta, Adv.; Ms. T. Banerjee, Adv.; Ms. D. Kar, Adv., for petitioner.
Ms. J. Chakraborty, Adv.; Mr. S. Adak, Adv., for State.
Mr. A. Mitra, Adv.; Mr. A. Halder, Adv.; Mr. M.W. Akram, Adv.; Mr. A. Roy, Adv., for the
respondents nos.4 and 5.

THE COURT: The petitioner complains against his son and daughter-in-law that they have thrown him out of his room in a flat premises and that he has to live in the common hall.

The son and daughter-in-law are represented by Mr. Mitra who submits that the father has not been thrown out of his bedroom and he may live there in peace.

Admittedly, the property stands in the name of the writ petitioner and his late wife. The petitioner has three-fourth interest in the property and his son has one-fourth.

Admittedly, the son also has two separate residential flats. He is staying with the father only because of proximity of his daughter's school.

The Court is of the view that the dispute between the parties are private and familial in nature. The Burtolla police have taken steps and given appropriate warnings to the private respondents not to disturb the petitioner. The report filed by the Burtolla Police is taken on record.

Without imposing any direction on the private respondents, the latter may consider, for the sake of peace, shifting to their own flats elsewhere. The petitioner himself is a senior citizen who is 82 year old. He may, in the event of any ailment, require the assistance of the son and daughter-in-law.

Both the parties shall ensure peace and harmony in the house. Both the parties shall bear in mind that they are sending a wrong signal and/or message to the next generation, i.e. the petitioner's granddaughter, being the daughter of the private respondents.

The Burtolla Police shall ensure that there is no breach of peace in the house.

With the above directions, the writ petition stands disposed of.

(RAJASEKHAR MANTHA, J)

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