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03.05.2024
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Ct 14

WPA 104 of 2024

Aswini Debnath alias Aswini Kumar Debnath & anr.

-vs-

The State of W.B. & ors.

Mr. Sk. Mustafi Rahaman

Ms. Saswati Manna

...for the petitioners

Mr. Sudipto Panda

Mr. Subrata Ghosh

Ms. Upama Nandy

...for the respondent nos. 9 & 10

Mr. Rajarshi Basu

Mr. S. T. Mina

...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 petitioners are the parents of the respondent no.9 and the parents in law of the respondent no.10. The petitioner no.1 is the owner of the property in question at Samudragarh, Nadanghat, Purba Bardhaman. They are aged persons. The private respondents for some time having trying to disturb the possession of the property by the petitioners. Finally, on 30.11.2023, they ousted the petitioners from their own residence. This was brought to the notice of the police, but no effective steps were taken. Only after filing of the writ petition, an FIR has been registered.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The house belongs to the petitioners. So there is no question them not being allowed to stay in the said house. They can at any time decide to come and stay there.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the allegation of the petitioners, Nadanghat Police Station Case No. 11 dated 05.01.2024 was registered under Sections 341, 323, 506 and 34 of the Indian Penal Code and Section 24 of Maintenance and Welfare of Parents and Senior Citizen Act, 2007. After the allegations were made by the petitioners, a local enquiry revealed that the private respondents forcibly drove out their parents from the house.

Fortunately, the learned counsel appearing on behalf of the private respondents has submitted that they do not have any objection, if the petitioners come back and reside at their house.

In any event, at this advanced age, the petitioners shall not be relegated to the Civil Court to obtain relief for going back to their own residence.

Therefore, let the petitioners intimate the Officer in Charge of Nadanghat Police Station about their intended date and time of return with a 24 hours' prior notice. The Officer shall then arrange for necessary armed police personnel to escort the petitioners to their own residence. The entry to the house shall be videographed. Even

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

With these observations, the writ petition is disposed of.

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

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)