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Ct 14

WPA 2886 of 2024

Bimal Kanti Majumder

-vs-

The State of West Bengal & ors.

Mr. Biswajit Hazra

Mr. Archisman Sain

Mr. Sk. Nadeem Ahmed

...for the petitioner

Mr. Snehasish Dey

Ms. Sreetama Biswas

...for the private respondent nos. 5 to 7

Mr. Rajarshi Basu

Mr. K. M. Hossain

...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. He is the father of the respondent no.5, father in law of the respondent no.6 and grand father of the respondent no.7, respectively. For some time, now the private respondents have been disturbing the possession and enjoyment of the property by the petitioner. The private respondents want the petitioner to convey the property in question in favour of them. They had been threatening and intimidating the petitioner in this regard. They had been

torturing the petitioner in various ways including abusing the petitioner, playing loud music and the like. After the petitioner had gone to affirm the writ petition first, he was not allowed to enter his own house for long.

Learned counsel appearing on behalf of the private respondents undertakes to file Vakalatnama by tomorrow. He denies the allegations made in the writ petition. At the instance of the respondent no.6, a proceeding under Section 107 of the Code of Criminal Procedure has already been initiated.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. So far as the allegations of non-registration of an FIR on the complaint of the petitioner is concerned, a specific FIR has already been registered being Memari Police Station Case No. 111 dated 06.02.2024 under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code and 24 Maintenance and Welfare of Parents and Senior Citizen Act, 2007. A proceeding under Section 107 of the Code is also pending.

It appears to be an admitted position that the petitioner is the owner of the property in question. Therefore, the private respondents are staying at the property only as licensees. If the petitioner wants to evict the private respondents, he shall be at liberty to do so, however, in accordance with law.

So far as the grievance of the petitioner of non-registration of an FIR on his complaint is concerned, the

same has already been remedied. A specific FIR has been registered.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no harm is done to the petitioner. Surveillance shall include frequent visits by police patrol.

If any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to call up the Officer in Charge of Memari Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

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

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

(Jay Sengupta, J.)