

D/L. 7.
June 26, 2024.
MNS.

WPA No. 4544 of 2024
+
CAN 1 of 2024

Utpal Hazra
Vs.
The State of West Bengal and others

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Ms. Ankita Das
... for the petitioner.

Mr. K. J. Yusuf, Ld. AGP.,
Mr. Sanjay Mukherjee
...for the State.

Mr. Niladri Sekhar Ghosh,
Mr. Partha Sarathi Mondal
...for the respondent no. 6.

Mr. Joyjit Roy Choudhury
...for the respondent no. 7.

Mr. Kingsuk Mondal,
Mr. Prosenjit Maity
...for the applicant in
CAN 1 of 2024.

The petitioner was the owner of a two storied house which he gifted in favour of his daughter, who is currently residing in the State of Andhra Pradesh. The daughter in law of the petitioner is residing in the said house The petitioner was mercilessly beaten and thrown out of the said house allegedly by his daughter-in-law. The son of the petitioner does not stay with

him. The petitioner is a septuagenarian and he is currently residing with his daughter in Andhra Pradesh. Prayer has been made to permit the petitioner to return and reside in the said house.

Learned advocate representing the respondent no. 7, being the daughter-in-law of the petitioner, submits that she does not have any objection if her father-in-law, that is, the petitioner, returns to the subject house.

The respondent no. 6, that is, the son of the petitioner, is residing elsewhere in a rented accommodation.

Learned advocate for the State respondents relies upon the instruction forwarded by the Sub-Inspector of police, Bhadreswar Police Station and submits that the dispute is a family dispute between the parties and the police tried to contact the petitioner but there was no co-operation from his end.

The petitioner is directed to co-operate with the police for investigation of the case. The petitioner shall be put back in possession of the ground floor of the subject property by the Inspector-in-Charge, Bhadreswar Police Station, on a convenient date and time to be mutually settled in between the parties. The police shall ensure that there is no breach of peace in the locale.

The private respondents are restrained from interfering with the possession of the petitioner in the ground floor of the subject property.

In the event the applicant, who is the daughter of the petitioner, intends to remove the private respondent no. 7 from the subject property, then necessary steps shall be taken before the competent court for relief.

The writ petition along with the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)