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19.03.2024
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Ct 14

WPA 7016 of 2024

Bangshi Bandhapadhy & anr.

-vs-

State of W.B. & ors..

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. Saikat Koley
Ms. Sayani Karar

...for the petitioners

Mr. Rajarshi Basu
Mr. K. M. Hossain

...for the State

Mr. Satadru Lahiri
Mr. Safdar Azam

...for the respondent no.5 & 6

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 aged about 84 years and 79 years, respectively. They are husband and wife who used to stay at the property in question which was owned by the petitioner no.2. Some time ago, the private respondent no.6 who is the daughter of the petitioner along with the private respondent no.5, her husband, came to their house and started staying there. They committed wanton atrocities on the petitioners and finally drove the petitioners out of their own residential house.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits that the private respondents are staying at the said property for the last 26 years.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Inquiry revealed that the private respondent nos. 5 and 6 had come to the petitioners' house about 8 years ago and started residing in two separate rooms. However, soon the relationship deteriorated and presently the petitioners are out of their home.

It is an admitted position that the petitioners are the owners of the property in question. The daughter and son in law would be residing in their property only as licensees. In fact, the petitioners are at liberty to evict them by initiating appropriate proceeding before a Civil Court.

However, for returning back to their own residence, the petitioners, who are aged about 84 and 79 years, shall not be relegated to the Civil Court.

Let the petitioners intimate the Officer in Charge of Joypur Police Station about their intended date and time of return with a 24 hours' prior notice. The Officer shall take necessary steps to arrange for police escort to accompany the petitioners to their own residence. The entry to the residence shall be videographed.

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

The surveillance shall include frequent visits by police patrol.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to contact the local 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.)