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19.03.2024
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Ct 14

WPA 7083 of 2024

Md. Majaharul Hoque &anr.

-vs-

State of W.B. & ors..

Mr. Robiul Islam
Mr. K. M. Hossain
Mr. Raja Mondal
Mr. M. Rahman

...for the petitioners

Mr. Suman Sengupta
Mr. Sambuddha Dutta
Mr. Sanatan Panja

...for the State

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin

...for the private respondent

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 petitioner no. 1 is the owner of the property in question and the petitioner no.2 is his wife. The private respondent being the respondent no.5 is the son of the petitioner no.1. He had forged the signature of his father and had an FPS shop transferred in his name on compassionate ground. He has also taken control over the property of the petitioner no.1 in question and has driven out the petitioners from their own residence. Despite bringing this to the notice of the police authorities, no

effective steps were taken.

Learned counsel appearing on behalf of the private respondent denies the allegation and submits as follows. There is no forgery whatsoever committed in obtaining the license for the fair price shop. Despite several requests, the petitioner no.1, after getting married for the second time, refused to return to the house. Another writ petition pertaining to the shop in question is pending before a Co-ordinate Bench of this Court and therefore, this petition is not maintainable.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a dispute between the private parties over the control of the fair price shop. In fact, a proceeding had to be initiated under Section 107 of the Code. A writ petition being WPA 1802 of 2024 is pending before a Co-ordinate Bench of this Court regarding the other dispute.

It appears to be an admitted position that the petitioner no.1 is the owner of the property in question. According to the private respondent, he was not willing to return home. It appears from the submissions of the petitioner that the petitioner no.1 now wants to return to the said property.

At this advanced age, the petitioner no.1 shall be not relegated to the Civil Court to obtain an appropriate relief in this regard.

Let the petitioner no.1 intimate the Inspector in

Charge of Harirampur Police Station about their intended date and time of return with a 24 hours' notice. The Officer shall then arrange for necessary police escort to accompany them. 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.

However, this order shall not cover the issue of the fair price shop and even the room from where the business is carried on. The issue pertaining to the same is pending adjudication in the application being WPA 1802 of 2024.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)