

26.06.2024
Item No.8
gd/ssd

FMA/555/2023
IA NO: CAN/1/2023
MOHAN CHANDRA GHOSH
VS
PRINCIPAL SECRETARY, DEPARTMENT OF HOME
AFFAIR AND ORS.

Mr. Sujit Bhattacharyya,
Mr. Firoz Edulji,
Mr. Suman Chatterjee
..for the Appellant.

Mr. Soumyajit Bhatta,
Mr. Partha Sarkar
..for the Respondent Nos.5 and 6.

1. This intra court appeal by the writ petitioner is directed against the order dated 19.04.2023 in WPA 8086 of 2023 in which the appellant had filed the alleged police inaction.

2. The learned Single Bench dismissed the writ petition imposing cost of Rs.7,500/- payable to respondent nos.5 and 6 who is none other than the elder son and wife of the appellant/writ petitioner.

3. The learned advocate appearing for the private respondents, namely, the elder son and his wife on specific instruction from his clients submits that the respondent nos.5 and 6 are willing to take care of the appellant/writ petitioner, namely, the father if he comes and resides with them in their house.

4. It is not in dispute that as of now the appellant is residing with his younger son and the court was right in making an observation that the appellant has not been deprived of his rights.

5. So, considering the above development and the stand taken by the respondent nos.5 and 6 before us which we have recorded, we dispose of this appeal with an observation that the appellant is at liberty to go and reside with the respondent nos.5 and 6 as they have given an undertaking before the court to welcome him and take care of him which undertaking is placed on record.

6. Considering the aforementioned development, the cost of Rs.7,500/- imposed on the appellant is deleted.

7. Accordingly, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)