

S/L 40
24.01.2024
Court No.14
SD

WPA 14891 of 2023

Manju Marik & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sabir Ahmed
Mr. Dhiman Banerjee
Mr. Tasnim Ahmed
Ms. Suman Biswas

...for the Petitioners.

Mr. Rajarshi Basu
Mr. A. Dulal Sarkar

...for the State.

Mr. Sandip Kundu

...for the Respondent Nos.9-10.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents of the respondent no.9 and parents-in-law of respondent no.10. They are the owners of the property in question. The private respondents had been torturing them for quite some time. They wanted to grab the entire property. Finally they ousted from their own residence. The petitioners had to take refuge at their married daughter's residence. This was brought to the notice of the police authorities, but no help was rendered.

Learned counsel appearing on behalf of the State denies any police inaction and submits that most of the medical documents annexed to the writ petition were issued by a local contact lens practitioner.

Learned counsel appearing on behalf of the private respondents submits as follows. The dispute arose when the private respondent no.9 married a girl of her choice, that is, the respondent no.10. The respondent no.9 is a patient of

chronic kidney disease. The respondent no.10 gives tuitions in order to meet the medical expenses of her husband. The petitioners always wanted that she did the household work instead.

Admittedly, the petitioners are the owners of the property in question. If they had been dispossessed by any one, at this advanced age, they should not be relegated to civil court for obtaining necessary relief.

Therefore, in the event the petitioners are actually staying outside their own residence and they want to return home, they shall be at liberty to intimate their intended date and time of return to the Officer-in-Charge, Shyampur Police Station with 24 hours' notice. The Officer shall then make necessary arrangement to escort them back to their residence accompanied by police personnel. The entry to the residence shall be videographed.

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

With these observations, WPA 14891 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made in the writ petition 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.)