

11 01.02.2024

WPA 24074 of 2023

NB Ct. 14

Swapan Adhikary
Vs.
The State of West Bengal & Ors.

Mr. Suman Chakraborty.
...for the petitioner.

Mr. Ashim Kr. Ganguly Sr. Govt. Adv.,
Ms. Jyotsna Roy Mukherjee.
....for the State.

Report filed on behalf of the State is also taken on record.

It appears that the State was able to intimate the private respondents about the pendency of the matter.

No one appears on behalf of the private respondents despite service.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. He is the father of the respondent no.7 and father-in-law of the respondent no.8. The private respondents had been torturing the petitioner and his wife for quite some time. They wanted to grab the entire property for themselves. Finally, they were able to oust the petitioner and his wife from the property. This was brought to the notice of the police authorities, but no help was rendered.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, an FIR has already been registered, however, after

filing of the writ petition, being Domjur PS Case No.728 dated 19.10.2023 under Sections 341, 323 and 506 read with Section 34 of the Penal Code. In fact, a charge sheet has also been submitted in the said case on 29.11.2023.

It is the case of the petitioner that in spite of being owner of the property, the private respondents being his son and daughter in law had ousted him from the same. The police have taken some steps, however belated, by registering an FIR and filing a charge sheet.

At this advanced age, the petitioner shall not be relegated to the civil Court for obtaining any relief to return back.

However, if the petitioner wants to evict the private respondents from the property, who are at best residing there as licensees, he shall be at liberty to approach the civil Court.

Let the petitioner intimate the Officer-in-Charge of Domjur Police Station about their intended date and time of return with a 24 hours notice. The Officer shall then take necessary steps to arrange for police protection so that they can be escorted back to their residence.

The entry to the house shall be videographed.

Even otherwise, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. Surveillance shall include frequent visits by police patrol.

If any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to contact the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)