

WPA 24256 of 2023

Nalinaksha Bhattacharjee & anr.

-vs-

The State of West Bengal & ors.

Mr. Subhabrata Chowdhury

Ms. Tripti Pandey

Mr. Aritra Sinha

...for the petitioners

Mr. Suman Sengupta

Mr. Dwaipayan Basu Mallick

...for the State

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 the parents of the respondent no.6 and parents in law of the respondent no.7. The petitioners are the owners of the property in question. Since 2016, the private respondents had been disturbing the possession and enjoyment of the property by the petitioners. They had been severely torturing the elderly couple. In 2016, the petitioners were constrained to lodge two complaints in this regard before the police. At the intervention of the police, the petitioners could return home after they were ousted by the private respondents. However, now the atrocities of the private respondents have increased many fold. They are assaulting the petitioners. Medical reports

would bear this out. In spite of making complaint before the police, they have not acted.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The complaints of the petitioners did not make out a cognizable case. Therefore, complaints were only diarized. However, the police are keeping a close watch on the developments in the locality.

A son would be staying at the house of a father only as a licensee. Therefore, it should be open to such father to institute a proceeding to evict the latter. It shall also be open to the petitioners, an elderly couple and parents to take necessary action under Maintenance and Welfare of Parents and Senior Citizens Act.

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

In the event an untoward incident occurs or is apprehended by the petitioners, he shall be at liberty to call up the Officer in Charge of Basudebpur Police Station who shall then act in accordance with law.

As affidavits were not called for, allegations are deemed not to have been admitted.

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.)

