

S/L 87
06.02.2024
Court No.14
SD

WPA 25574 of 2023

Sri Shibu Majhi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dinendra Nath Chatterjee
Ms. Chandrani Mukherjee

...for the Petitioners.

Mr. Rajarshi Basu
Mrs. Sujata Mukherjee

...for the State.

Mr. Sourav Koley

...for the Respondent Nos.5-6.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the father of the respondent no.6 and the respondent no.5 is the husband of the respondent no.6. The petitioner no.2 is the elder daughter of the petitioner no.1 and the petitioner no.3 is the husband of the petitioner no.2. The petitioner no.1 is the owner of the property in question. In 2011 the respondent no.6 had voluntarily left the house with all her belongings. Suddenly in 2021 she came back along with her husband and finally dispossessed the petitioner no.1 from his own house. A civil suit was filed by the private respondents which was dismissed. Thereafter, the petitioner approached this Court and by an order dated 21.6.2022 passed by a coordinate Bench of this Court in WPA 15738 of 2021, the police were directed to ensure the petitioner's peaceful stay at the house. The police had the petitioner reinstated in the house. But thereafter the private respondents are again torturing the

petitioner and his other family members and no action has been taken in this regard.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. A civil suit is still pending between the parties. The petitioner no.1 cannot be the owner of the property as the same is a thika property. There are enough rooms in the property to accommodate the private respondents and the petitioner. So, there should not be any problem if the private respondents stay at the said premises. The private respondents are staying at the property with their minor child. He further submits that there is a proceeding under the Protection of Women from Domestic Violence Act filed by the private respondent.

At this stage, learned counsel appearing on behalf of the petitioners submits that no proceeding under the Protection of Women from Domestic Violence Act lies against the petitioners.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police have already complied with the earlier direction passed by a Coordinate Bench of this Court. The petitioner no.1 has been reinstated in his house and thereafter, he has not made any complaint but only made a demand of justice before the police. The police have also initiated three proceedings under Section 107 of the Code. The police are keeping a close watch on the developments in the locality.

If the petitioner no.1 is the owner of the property then his other relatives like daughter and the son-in-law would be staying at the property only as licensees. It shall be open to the petitioner to file an appropriate proceeding for evicting them in accordance with law.

It also appears that the police have acted on the directions passed by a coordinate Bench of this Court earlier and reinstated the petitioner no.1 at his property.

Thereafter, if there has been commission of any illegality by the private respondents, the petitioners shall be at liberty to make appropriate complaint and if a cognizable case is made out, the police shall register an FIR and investigate the same.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil court is violated.

With these observations, WPA 25574 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.)