

WPA 25940 of 2023

Sri. Arun Kanti Sarkar

-vs-

The State of West Bengal & ors.

Ms. Deblina Lahiri

Mr. Mrinmoy Chatterjee

...for the petitioner

Mr. Angshuman Chakraborty

...for the respondent nos. 6 & 7

Mr. Sk. Md. Galib

Mr. Siddique Mallik

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an 85 years old former professor who stays at his own house which his 75 years old wife. He is the perpetual lessee in respect of the property in question. The private respondent no.7 is his son and the private respondent no.8 is the daughter in law. The private respondents have been torturing the petitioner and his wife for quite some time. The petitioner is reduced to residing in one room and do everything including performing Puja there. Rest of the property has been taken over by the private respondents. They are threatening and intimidating the petitioner and his wife and even assaulting them at times. They want to grab the entire property for themselves and thereafter come to some arrangement with a promoter. There

is another flat which belongs to the petitioner where the petitioner had asked the private respondents to stay. They are not willing to do so. Incidentally, the petitioner had also arranged for shop rooms for his son so that the latter can earn his livelihood.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. Actually, the private respondents are looking after their parents. It is at the instance of the sister of the private respondent no.7 that all these things are happening. It is denied that the petitioner is forced to live in one room.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a family dispute going on between the private parties. However, on the allegation of physical assault and threats given by the private respondents to the petitioner, a specific criminal case being Kalyani PS Case No. 844 dated 16.12.2023 has been started under Sections 341, 323, 506 and 34 of the Indian Penal Code. The same is being investigated.

If the petitioner is the owner/perpetual lessee in respect of the property in question, then his son and daughter in law would be staying at such property only as licensees. Therefore, it shall be opened to the petitioner to institute appropriate proceeding for eviction of the private respondents in accordance with law.

Till then, the private respondents shall not commit any

offence against the petitioner and his wife.

If any further cognizable case is alleged, the police authorities shall register an appropriate case and take necessary steps.

The police authorities shall also explore the possibility of instituting a proceeding under Section 107 of the Code, if required.

Let the police keep a sharp vigil at the locale and ensure that no breach of peace takes place. Surveillance shall include frequent visits by police patrol in the area.

If any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to call up the Officer in Charge of Kalyani 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)