

D/L 09
04.12.2024
Kausik
ct.no.35

W.P.A. 28009 of 2024

**Dilip Kumar Poddar
Versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar

...for the petitioner.

Mr. Diptomoy Talukder
Mr. Jyotirmoy Talukder
Mr. D. Ghosh

...for the private respondent.

Mr. Suman Sengupta
Mr. Amrita Panja Moulic

...for the state.

Petitioner happens to be an octogenarian father who is aggrieved by the conduct of his elder son and daughter-in-law.

To that effect, the petitioner approached the Sub-Divisional Officer under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Specific orders were passed.

Learned advocate complains that subsequent to the said order being passed an information was furnished to the SDO with copies being sent to the Commissioner of Police and the Inspector-in-Charge, Dumdum Police Station.

Learned advocate for the state has submitted a report. Although, the report reflects that the petitioner and the respondent nos. 5 and 6 are staying at the same house, but the petitioner is unwilling to file any case against the respondent nos. 5 and 6.

Learned advocate insists that the petitioner is willing to file a case against respondent nos. 5 and 6. In case petitioner is willing to file a specific case, a fresh complaint be filed against the respondent nos. 5 and 6 by the present petitioner.

Police authorities will act on the same.

So far as the other prayer is concerned, regarding the respondent nos. 5 and 6, being directed to go out of the residence, I am of the opinion for that the petitioner should approach the jurisdictional court having authority under the law for eviction or other processes for the respondent nos. 5 and 6 to be removed from the residence.

Learned advocate for the private respondent nos. 5 and 6 denies and disputes the contention and submits that, there has been no interference at the behest of the respondent nos. 5 and 6 and unnecessarily they are being heckled at the instance of others.

In view of the contentions advanced by the petitioner and the apprehension expressed, I direct that the petitioner who complains of harassment and humiliation at the hands of respondent nos. 5 and 6, be kept under strict vigil.

To that effect, a lady police personnel may be deployed, who would every alternate day, visit the residence of the petitioner and take information. Such arrangement may be continued for a period of 4 weeks.

A report be submitted by the lady police personnel so attending, to the Inspector-in-Charge which will be forwarded to the Sub-Divisional Officer in seisin of the proceedings under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

The concerned tribunal will, if required, direct under a given set of circumstances, for executing bond to the respondent nos. 5 and 6, if any, in respect of the accusations made by the petitioner is found to be substantiated in the report of the police authorities.

With the aforesaid observations WPA 28009 of 2024 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)