

09.12.2024

BP/AGM
ML. 401
Court No. 35

WPA 27683 of 2023

**Sri Kalyani Prasad Chakrabarty
Vs.
The State of West Bengal and Ors.**

Mr. Kartick Kumar Bhattacharya.
Mr. Soumashree Dutta.
Ms. Papita Naskar.
... For the petitioner.

Mr. Suman Ghosh.
Ms. Munmun Tewary.
... For the State.

Mr. Syamal Kumar Das.
Ms. Krishna Yadav.
... for the respondent nos. 4 and 5.

Learned advocate for the petitioner submits that he is the father who has been thrown out of the residence at the behest of the daughter. It has also been noticed by the Court that the flat in question is having an area of 1089 sq feet which is sufficient for the petitioner to be accommodated but in spite of the same no cooperation has been rendered by the daughter.

Earlier order dated 24.6.2024 passed by a Co-ordinate Bench reflects that petitioner was directed to take steps for partition of the property so that there may be two separate entrances; one from where the petitioner will enter and the other from where the daughter of the petitioner will enter.

Records of the case reflects that earlier there were accusations against the present petitioner under Section 354 of the IPC in respect of a special child. The same was at the behest of the private respondent.

I have checked the statements under Section 164 of the Code of Criminal Procedure where the private respondent has contended that the petitioner has left on his own after he was found at fault.

Be that as it may, petitioner if he intends to enter the residence and there is no possibility of construction of two entrances in that case petitioner will approach the appropriate authority under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. If the appropriate authorities passes any order and directs the police authorities to take steps in a particular manner, the police authorities would be bound by such action and would implement the order of the Tribunal.

With the above observations, WPA 27683 of 2023 is disposed of.

There shall be no order as to costs.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Tirthankar Ghosh, J.)

