

S/L 34
08.3.2024
Court No.14
SD

WPA 28668 of 2023

Swapan Kumar Dolai
Vs.
The State of West Bengal & Ors.

Mr. Prabir Kumar Mitra
Mr. S. Nanda

...for the Petitioner.

Mr. Somnath Ganguli
Mr. Balarko Sen

...for the State.

Mr. Soumik Ganguly
Mr. Sourat Nandy

...for the Private Respondent.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The private respondent nos.6 and 7 are his son and daughter in law, respectively. The private respondents had been disturbing the possession of the property by the petitioner and had been threatening, intimidating and assaulting the petitioner and his wife. Finally, the petitioner was ousted from his own residence by the private respondents. This was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. Although the property belongs to the petitioner, the private respondents had been residing there at

the first floor since long. There is a separate staircase for them. The petitioner has voluntarily left the ground floor of the premises after locking the same.

Learned counsel appearing on behalf of the State relies on the earlier report and submits as follows. At the behest of the daughter of the petitioner, an FIR being Tamluk P.S. Case No.1309 dated 08.12.2023 has been registered earlier. The police are keeping a close watch on the developments in the locality.

It appears that the petitioner is admittedly the owner of the premises. His son and daughter in law would be residing at the premises only as licencees. It shall be open to the petitioner to take appropriate steps before a Civil Court, if he wants to evict them.

However, at this advanced age, the petitioner shall not be relegated to the Civil Court for seeking a relief to return to his own residence.

In view of the above, the petitioner shall intimate the intended date and time of his return to his residence to the Officer-in-Charge, Tamluk Police Station with 24 hours' notice. The Officer shall then make necessary arrangement to escort him back to his residence accompanied by armed police personnel. The entry to the residence shall be videographed.

Even otherwise, the police authority shall further ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioner, he shall be at liberty to

approach the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, WPA 28668 of 2023 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.)