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AN
RP

23.02.2024
Ct. No. 01

MAT 2519 of 2023
with
IA No. CAN 1 of 2024

Biswanath Saha
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Basu
Mr. Sankha Biswas

... for the appellant

Mr. Somnath Ganguli, Id. AGP
Ms. Priyamvada Singh

... for the State respondents

1. This intra court appeal filed by the writ petitioner is directed against the order dated 13.12.2023 passed in WPA 26243 of 2023. The appellant claiming to be a senior citizen alleged that the respondent no. 8 is the son who is the M.L.A. and respondent no. 9 who is the daughter-in-law have forcibly thrown him out from the possession of the residential property.

2. The report on behalf of the State mentions that the appellant is residing with his second wife elsewhere and the first wife resides at her paternal home. The appellant runs the M.R. dealership/distributorship from the same house from where he claims that he was driven out.

3. It is pointed out by learned counsel for the appellant that specific allegation in the complaint lodged before the respondent Police was that he was carrying on the M.R. dealership in one room in the said property and his son is the M.L.A., presently in judicial custody alongwith

the daughter-in-law have forcibly thrown him out. This aspect of the matter has to be enquired into.

4. Hence, the appeal stands **disposed of** by directing the 7th respondent viz. the Officer-in-Charge, Burdwan Police Station to conduct an enquiry into the specific aspect as to whether the appellant has been prevented from running his Office from the said one room and whether he has been forcibly evicted and thereafter proceed to take action in accordance with law. This direction shall be complied with within a period of three weeks from the date of receipt of the server copy of this order.

5. Consequently, the connected application also stands disposed of.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)