

17.01.2025
Item No.29
Ct. No.35
dc.

W.P.A. 205 of 2025

**Sri Ashit Kumar Biswas
versus
The State of West Bengal & Ors.**

Mr. Sanjib Seth ... For the Petitioner.

Mr. Ashim Kumar Ganguly, AGP,
Mr. Tarak Karan ... For the State.

Mr. Santanu Mukherjee
... For the Respondent Nos. 4 to 6.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner alleges that he and his wife had been thrown away by the daughter-in-law from the premises which belongs to him. In fact, a title suit being T.S. No. 585 of 2018 was filed wherein the learned Civil Judge (Jr. Division), 6th Court, Howrah passed directions that the plaintiff/petitioner herein has the right to stay with his wife as well as the private respondent also has the right to be in the property unless the relationship is snapped by an order of an appropriate court of law. The police report encloses a document, which is a letter addressed by the private respondent no.4/daughter-in-law of the petitioner to the Inspector-in-Charge, Santragachi Police Station wherein it has been contended that as there is no infrastructure of staying at the said

premises, the petitioner and his wife are not staying at the said premises.

Be that as it may, since the petitioner along with his wife has prayed before this Court for entering the said residence without dispossessing or interfering with the private respondent no.4, the petitioner would be entitled to stay at the said residence. To that effect, if the petitioner and his wife report to Police Station and informs them 24 hours ahead, the police authorities would provide necessary assistance for entry in the said property in view of the existing directions of the learned civil court.

With the aforesaid observations, the writ petition being WPA 205 of 2025 is disposed of.

There will 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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)