

04.04.2025
Court No. 35
Item No.93
Rakib

W.P.A. 6307 of 2025

Kashinath Biswas.
VS
The State of West Bengal & Ors.

Ms. Shraboni Sarkar.
... for the Petitioner.
Mr. Tanmoy Khan,
Mr. Samrat Choudhury.
...for respondent nos. 4 and 5.
Mr. Dipanjan Datta, Sr. Govt. Adv.,
Mr. Sayan Datta.
...for State.

Petitioner is aggrieved by the fact that the private respondent nos. 4 and 5 are interfering with the peaceful enjoyment of the property.

Records reflect that the respondent no.4 happens to be younger son and respondent no.5 is the daughter-in-law and wife of respondent no.4.

Further grievance expressed by the petitioner is that inspite of direction under Section 156(3) of the Code of Criminal Procedure passed by the learned Civil Judicial Magistrate, 24 Parganas North on 13.06.2023 no case has been registered by the police authorities.

State has submitted a report. Report reflects that Rajarhat police station case no. 200/23 dated 23.06.2023 was registered for investigation under the relevant provisions of law. After completion of investigation charge-sheet has been submitted before the jurisdictional Court on or about 23.07.2023. There are also other cases pending against the private respondent no.4.

Learned advocate for the private respondent nos. 4 and 5 disputes the contention advanced by the petitioner and also submits that the respondents are on bail in connection with the FIR registered by the police authorities.

Be that as it may, if the petitioner apprehends that he may be ousted from his property, petitioner would be at liberty to approach the Sub-Divisional Officer or the appropriate authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the concerned authorities will consider the apprehension and/or other issues involved.

So far as the residential right of the petitioner concerned, in case any order is passed by the Sub-Divisional Officer, the police authorities would respect, obey and implement the order.

With the aforesaid observations WPA 6307 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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.)