

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 28.04.2025
DELIVERED ON: 28.04.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**M.A.T. 579 of 2024
With
I.A. No. CAN 2 of 2024
Sri Arun Kanti Sarkar
Versus
The State of West Bengal & Ors.**

**Appearance:-
Mr. Arindam Chatterjee
Ms. Lipika Chatterjee
Mr. Soumik Dey
Mr. Saikat Pal**

.....For the Appellant

**Mr. Sk. Md. Galib
Mr. Abu Siddique Mallick**

.....For the State

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioner/appellant is directed against the order dated 6th February, 2024 in W.P.A. 25940 of 2023. The petitioner came before the learned Writ Court by expressing a grievance against the respondent no.7, who is none other than the son and the respondent no.8, who is the daughter-in-law. The learned Single Bench disposed of the writ petition leaving it open to the writ petitioner to institute appropriate proceedings for eviction of the private respondents in accordance with law.
2. Furthermore, the learned Single Bench observed that the private respondents shall not commit any offence against the writ petitioner and his wife and if any

further cognizable case is alleged, the police authority shall register an appropriate case and take necessary steps. Further, the police authorities were directed to explore the possibility of instituting a proceeding under Section 107 of Code, if required.

3. Further, the police were directed to keep the sharp vigil at the locale and ensure that no breach of peace takes place and surveillance shall include frequent visits by police patrol in the area.
4. Further, it was observed that if any untoward incident occurs or apprehended by the writ petitioner, he shall be at liberty to call up the Officer-in-Charge, Kalyani Police Station, who shall then act in accordance with law.
5. In our view, the learned Single Bench has sufficiently safeguarded the interest of the writ petitioner and issued appropriate directions.
6. As noted above, the learned Single Bench has also given liberty to the appellant to approach the appropriate forum in accordance with law.
7. When the matter came up earlier, taking into consideration the relationship of the parties viz. the father on one side and the daughter-in-law on the other side, we directed the matter to be referred for mediation by the learned District Judge, Nadia.
8. As could be seen from the report of the learned Mediator, District Legal Services Authority, Nadia, the mediation was fixed on 20th March, 2025 and both the parties appeared alongwith their advocates in the mediation process and the process of mediation was explained to both the parties.
9. Further, the report states that the meeting and discussions had been held between the parties jointly regarding the matter in dispute and a separate session has also been held by both the parties, but, the matter could not be settled in the process of mediation. Therefore, the case records were sent back to this Court.

10. So, considering the factual situation, since, the parties are not *ad idem*, then the only remedy open to the petitioner is to approach the appropriate forum for necessary relief for which liberty had already been granted.
11. We further clarify that it will be well-open to the petitioner to invoke the remedy under any of the statutes, as he may be advised to seek for appropriate relief in accordance with law.
12. Since already a case has been registered by the Kalyani Police Station in the Case No.844 dated 16th December, 2023 under Sections 341/ 323/ 506/ 34 of the Indian Penal Code, the same shall be investigated and final report be filed within six weeks from the date of receipt of the serve copy of this order and all the liberty and observations made by the learned Single Bench are preserved.
13. With these above observations, appeal along with the connected application (I.A. No. CAN 2 of 2024) stand disposed of.
14. No costs.
15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)