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jdt. 13.11.2025
jb.

WPA 24142 of 2025

(Sailen Ghosh @ Sailendra Nath Ghosh vs. State of West Bengal & Ors.)

Ms. Karabi Roy

.... For the Petitioner

Abdul Hamid

Mr. Nilay Baran Mandal

.... For the State

Mr. Rajdatta Chattopadhyay

Mr. A. Ganguly

Ms. Risha Das

... For the Respondent nos. 1, 4 and 5

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

Learned counsel for the petitioner submits that the petitioner is a septuagenarian person and resides in a two storied house purchased by him with his wife. The private respondents who are his son and daughter in law stay in the same house and the private respondents have been restraining the petitioner and his wife from occupying the entire house. He along with his wife has been confined to a single room in the ground floor of the house. The private respondents have converted some of the rooms into godowns and garages and have allowed parking of several motor cycles in the garages of the house thereby obstructing egress and ingress of the petitioner. On protest of the petitioner, the private respondents tried to assault him and he somehow managed to protect himself. The petitioner lodged complaint before the police authority, but to no effect.

Learned counsel for the private respondents denies and disputes the allegations made by the petitioner and submits that the petitioner has access to the entire property.

Learned counsel for the State submits that no cognizable offence has been made out in the complaint lodged by the petitioner. It is a family dispute and no prima facie case has been made out.

I have considered the rival submissions made on behalf of the parties.

It is not in dispute that the petitioner is the owner of the house in question. The 4th and 5th respondents being his son and daughter in law are residing in the same house. However, since the petitioner is admittedly the owner thereof, the police authority shall ensure that the petitioner and his wife have access to the entire house. The private respondents may be allowed to stay in the room allocated to them by the petitioner. No room in the house shall be used as godown or garage or for any other purpose without written consent of the petitioner. The police authority shall keep strict vigil in the area in order to avoid any untoward incident and shall ensure that the petitioner is able to reside in his house with his wife peacefully and without any disturbance/hindrance whatsoever from the private respondents. Adequate police protection be given to the petitioner and his wife, if occasion arises.

With the aforesaid observations and directions, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)