

D/L 19
17.01.2025
Bpg.
ct.no.35

W.P.A.98 of 2025

**Banabihari Das
Versus
The State of West Bengal & Ors.**

Mr. Partha Sarathi Mondal.
...for the petitioner.

Mr. Akash Dutta.
...for the State-respondents.

Mr. Narendra Nath Malakar.
...for the respondent nos.5 &6.

Affidavit of service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that the
respondent nos.5 and 6 happen to be his son but
they are not allowing him to enter the house in order
to grab the property and to that extent had been
inflicting physical and mental torture upon him.

Learned advocate appearing for the State has
submitted a report. Report reflects that the police
authorities have drawn up proceedings under Section
126 of the BNSS against the private respondent nos.5
and 6 on or about 02.12.2024.

Learned advocate for the respondent nos.5
and 6 submits that in order to create pressure upon

the respondent nos.5 and 6 by way of distorting facts the present writ petition has been initiated. Number of litigations are pending between the petitioner and the private respondent nos.5 and 6. Further, the mother of the respondent nos.5 and 6 is seriously ill and the respondent nos.5 and 6 (sons) having taken care of her. Additionally, it has been submitted that since the respondent nos.5 and 6 are staying at a separate residence they have no interference if the petitioner goes and stays at his own residence.

In view of the aforesaid submissions and the report submitted on behalf of the State, I direct that if the petitioner approaches the Officer-in-Charge, Namkhana Police Station, the concerned Officer-in-Charge will deploy a police officer for accompanying the petitioner so that he can smoothly enter at his own residence. A lady officer or any other police officer be deployed who every alternate day would assess whether the present petitioner is subjected to physical or mental torture. Such arrangement would continue for a period of four weeks. In the meantime, if further directions are warranted, the petitioner would approach the appropriate authority under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

With the aforesaid observations, WPA 98 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)