

06
05.02.2026
Ct. No.5
b.das

WPA 2455 of 2026

Monoj Kumar Paul
Vs.
The State of W. B. & Ors.

Mr. Kallol Basu
Mr. Arijit Roy
Mr. Samrat Choudhury
Mr. Atreya Chakraborty
Mr. Ronit Naskar
Mr. A. Sahani ...for the petitioner.

Mr. Asish Kr. Guha
Mr. Sanjib Das ...for the State.

Mr. Ayan Banerjee
Mr. S. Chakraborty
Ms. Debasree Dhamali
Ms. Debolina Ghosh ... for respondent nos.5 & 6.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the 5th respondent is the petitioner's son and the 6th respondent is the daughter in law.

The petitioner initially sought an additional room in the house in question for accommodation of his wife who was terminally ill.

The petitioner submits that his wife has expired on the day before yesterday, that is, 3rd February, 2026. The petitioner alleges severe torture and assault upon him by the private respondents who reside in the same house with the petitioner.

Complaint lodged by the petitioner in this regard has been registered as FIR and charge sheet has been submitted upon completion of investigation. The petitioner filed a Narazi application before the jurisdictional Magistrate, which is pending.

The petitioner seeks protection.

Learned counsel for the private respondents submits that the petitioner is not a lessee in respect of the premises in question. A similar writ petition filed by the petitioner earlier has been disposed of by this Court and the present application is barred by constructive res judicata. Allegations made by the petitioner are far from truth. It is the petitioner who tortured his wife as well as the private respondents and sought their eviction from the premises in question.

The 6th respondent has lodged a complaint under the Protection of Women from Domestic Violence Act against the petitioner which is pending.

The petitioner denies and disputes the said allegations.

Learned counsel for the State submits that investigation pertaining to the complaint lodged by the petitioner has been concluded.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that it prima facie appears that the petitioner is a lessee in respect of the

premises in question. The private respondents can at best be termed as licensees under him in the said premises.

The petitioner filed an application before the Sub-Divisional Officer under the Welfare and Maintenance of Senior Citizens Act, 2007 which is pending. The petitioner is at liberty to ventilate his grievance before the said authority.

The earlier writ petition filed by the petitioner contains prayers which are distinct and from that of the present application. Only one of the prayers in both the applications may be similar.

In the meantime, the police shall keep strict vigil at the locale and ensure maintenance of peace and tranquility. The police shall render necessary assistance/protection to the petitioner as and when sought.

The Officer in Charge, Bidhannagar North PS, being the 3rd respondent herein, shall depute a police personnel who shall visit the premises in question every alternate day for a period of four weeks in order to assess whether any torture/assault is meted out upon the petitioner.

With the above observation and directions the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)