

27.02.2026
rc/ct.no.05
Item No.10

WPA No. 25718 of 2025
Bana Bihari Nayek
Versus
The State of West Bengal & Ors.

Ms. Ritika Yadav ..for the petitioner

Mr. Malay Kumar Singh
Mr. Debasish Kar ..for the State

Mr. Noor Islam Sekh
Mr. Rohan Shaw ...for the private respondent

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 has transferred half portion of the residential house owned by him in favour of the 4th respondent who is one of his sons, by virtue of a deed of gift. The petitioner alleges that the private respondents who are his sons and daughters in law respectively are meting out physical and mental torture upon him and are trying to oust him from the house. The petitioner lodged a complaint before the police authority on October 31, 2025 but to no effect.

Learned counsel for the private respondents denies and disputes the allegations and submits that the dispute between the parties is civil in nature.

It appears from the report submitted by the State that pursuant to a complaint lodged by one of the daughter in law of the petitioner, a specific case was

registered. Charge sheet has been submitted upon completion of investigation. The report is silent with regard to the steps taken by the police authority in connection with the complaint lodged by the petitioner.

In view of the above, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal of his grievance.

In the meantime, the police authority shall maintain strict vigil in the area in order to avoid any untoward incident and to ensure maintenance of peace and tranquility.

The police authority shall render necessary assistance to the petitioner in order to enable him to reside in his house peacefully and without any disturbance from any corner whatsoever.

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)