

WPA 28548 of 2024

Narendra Nath Mandal & Anr.
Vs.
The State of W. B. & Ors.

Mr. Sougata Mitra
Mr. Nikhil Kr. Gupta
Ms. Soma Chakraborty
Mr. Subhadeep Maitra ...for the petitioners.

Mr. Santanu Kr. Mitra
Mr. Amartya Pal ...for the State.

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioners are the hapless aged parents of the 5th respondent and the 6th respondent is his wife. The petitioners allege continuous torture and assault by the private respondents.

Pursuant to an order passed by this Court in an earlier writ petition being WPA 15084 of 2023, the petitioners who were ousted from their house by the private respondents were able to return thereto with the aid and assistance of the police. The police was directed to keep sharp vigil at the locale and ensure no breach of peace took place.

Learned counsel for the petitioners submits that despite such order, the private respondents are continuing to torture, assault and harass the petitioners, threaten

their ouster from the house and obstruct them in cultivating their own land.

It appears from the report submitted by the State on the earlier occasion that pursuant to the complaint lodged by the petitioners FIR has been registered and charge sheet submitted upon completion of investigation. The police is keeping sharp vigil and is visiting the premises to avoid any untoward incident.

It is most unfortunate that the aged parents of the 5th respondent have been suffering in the hands of their son and daughter in law. In order to restore peace and tranquility in the lives of the petitioners, the police authority shall continue surveillance in the locale and shall visit the house of the petitioners at least once a day for the next one month and ensure that no torture/assault is meted out upon the petitioners by the private respondents in any manner whatsoever.

Since the house in question allegedly belongs to the petitioners, the private respondents can at best be termed as licensees under them and they are at liberty to seek their eviction from the house before the appropriate forum in accordance with law.

The writ petition is disposed of accordingly.

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.)