

September 25, 2023
AD 235
Court No.14
SG

WPA 11426 of 2023

Bijoy Kumar Banik and another
vs
State of West Bengal and others

Mr. Sourav Chakraborty
... for the petitioners

Mr. Tapas Kumar Mondal
... for the State

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Learned advocate appearing for the petitioners submits as follows. The petitioners are the parents of the respondent No.4 and the parents-in-law of the respondent No.5. The petitioner No.1 was originally the owner of the property in question. He gifted the entire property to his wife i.e., the petitioner No.2 in the year 2001. The private respondents had been torturing the petitioners for quite sometime. They had been harassing and intimidating and even assaulting the petitioners. Sometime ago, the private respondents ousted the petitioners from their own properties. Police help was sought, but was denied.

Learned advocate for the State relies on the report and submits as follows. It appears that there is a family dispute between the private parties. There is a case and a counter-case filed by each side.

It appears that although the petitioner No.2 is presently the owner of the property in question which was

originally owned by the petitioner No.1. They both have allegedly been ousted by their son and daughter-in-law.

Regardless of the veracity of such allegations, the owners of the property have every right to stay there and their son and daughter-in-law could at best live there as licensees.

At this age, the petitioners cannot be relegated to the civil court to obtain necessary relief in this regard.

In view of the above and in the interest of justice, let the petitioners intimate the Officer-in-Charge of Chakdah Police Station about the intended date and time of their return with a twenty-four hour's notice. In such event the police shall provide adequate security arrangement, so that the petitioners can go back to their residence.

The police shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]