

17.06.2021.
Item no. 25.
Court No.13
ap

**W.P.A. No. 174 of 2021
(Through Video Conference)
Ali Burhan & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Rewitendra Banerjee,
Mr. Sougata Mitra.

...For the petitioners.

Mr. Chandi Charan De,
Mr. Lalit Kumar Mahata,
Mr. Anirban Sarkar.

...For the State.

Despite notice, the private respondent nos.4 and 5 are not represented.

Counsel for the petitioners submit that his clients were residing in their own property at School Danga, Post Office and Police Station and District Bankura. He further submits that the private respondent no.4 is the son of the petitioners and the respondent no.5 is the daughter-in-law. He also submits that his clients are not comfortable and do not feel safe as long as the private respondent nos.4 and 5 are living with them. He further submits that his clients do not want the private respondent nos.4 and 5 to live in the said premises.

Counsel for the State submits that the police have registered an FIR against the son and daughter-in-law of the petitioner and investigation is going on. It is further submitted that the Officer-in-charge, Bankura Sadar Police Station has assured all help to the petitioners in case of need.

This Court has considered the fact that the petitioner no.1 is a senior citizen of 77 years of age. Admittedly the residence, where the petitioners were living, is standing in name of the petitioner no.1.

Given the fact that the petitioner no.1 is a senior citizen and is entitled under Article 21 of the Constitution of India to live in peace in his own house, this Court is inclined to in exercise high prerogative writ jurisdiction under Article 226 of the Constitution of India and directs the Officer-in-charge, Bankura Sadar Police Station to physically escort out the respondent nos.4 and 5, out of the said premises immediately.

The petitioners shall be put in possession of their premises to their exclusive use and residence. The Officer-in-charge, Bankura Sadar Police Station shall also ensure that the respondent nos.4 and 5 do not enter the premises without the written permission of the writ petitioners. A personnel of the police station shall be posted outside the house of the petitioners until the next date.

Let the hearing of this matter stand adjourned and be listed on 23rd June, 2021.

It is expected that the Inspector-in-charge, Bankura Sadar Police Station shall carry out the aforesaid order forthwith and file a report to that effect on the adjourned date.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)