

15.10.2020.

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W.P.A No. 4318 of 2020

IA No: CAN 1 of 2020

Smt. Shanti Rani Roy and another

Vs.

State of West Bengal and others

Mr. Kallol Basu,
Mr. Sougata Mitra,
Ms. Ankita Dey

... for the petitioners

Mr. N. C. Bihani

... for the State.

Ms. Ankita Ghosh

... for the respondent no. 4.

Mr. Pawan Kumar Gupta

... for the respondent nos. 5 and 6.

Considering the urgency pleaded by the petitioner in CAN 1 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 1 of 2020 is disposed of.

The writ petitioner no. 1 is a mother, who had gifted her property situate and lying at Amla Para, Purulia to her son and daughter in 2015. The mother subsequently found that his son was not taking good care of her and complained as such. Consequently in or about 2019 the son gifted back the property to the mother and sister. The writ petitioners before this Court are both the mother and the sister.

The petitioners complain that since after visit and return from Jharkhand in the year 2019, the 4th respondent, who is a promoter, has entered into the said premises and taken possession thereof. The said promoter, the 4th respondent, also claims to have derived title and/or purchase the property from the son who was original giftee.

The said son is represented before me and submits that he has not sold, transferred or alienated, in any form, any part or portion of the said property to the 4th respondent.

The mother and the sister after being refused entry into their property lodged criminal proceedings and FIR has been registered with the Purulia Town Police Station. A charge sheet has also been filed as submitted by Mr. N. C. Bihani, learned advocate appearing for the State. A report in this regard has been filed on behalf of the police. A copy of the report be circulated to the appearing parties.

It is evident and clear before this Court that the promoter, prima facie, cannot claim any interest in the property. Since the petitioner no. 1, mother is a senior citizen and suffering from ailments, she is entitled to reside in the said property.

The Officer-in-Charge, Purulia Town Police Station shall personally escort the mother and daughter back into their residential premises and

hand over possession to them. The disputes as regards the entitlement of the 4th respondent could at the most be subject matter of a Civil Suit.

The petitioners shall intimate the O.C., Purulia Town Police Station as to exactly when they wish to re-enter the subject property preferably within a period of 15 days from date.

With the aforesaid observations, the instant writ petition is disposed of.

(Rajasekhar Mantha, J.)