

November 20, 2020
25 ARDR

WPA 7963 of 2020

Smt. Saleha Begum
Vs.
The State of West Bengal & Ors.

Mr. Subrata Bhattacharya,
Mr. Fazle Rabbi Hazart,

...for the petitioner.

Mr. N. C. Behani,

...for the respondents.

Petitioner complains of police inaction.

Learned advocate for the petitioner submits that the petitioner was residing in the quarter allotted to her deceased husband. She went to a different place for a period of time leaving the keys of the quarter with her son and daughter-in-law. On return, she found that the son and the daughter-in-law occupying such quarter. The son and the daughter-in-law prevented the petitioner from entering into the quarter on her return. She made a complaint to the police. The police are inactive.

Learned advocate for the State submits on instructions that, immediately on receipt of such complaint, the police enquired into the matter and submit a prosecution under Section 107 of the Criminal Procedure Code.

In the facts of the present case, since the petitioner is claiming that she was residing at the quarter allotted to her deceased husband, police should

take appropriate steps to ensure that the petitioner is in a position to return to such quarter and stay there peacefully. In any event, the son is obliged to provide for his mother and ensure that his mother is in a position to stay at a respectable place.

Petitioner will report to the Officer-in-Charge of the local Police Station on November 26, 2020. The Officer-in-Charge of the local Police Station is requested to ensure that no breach of peace occurs at the locale when the petitioner returns and stays at the quarter of her deceased husband.

This order will not prevent the employees of the deceased husband of the petitioner from taking possession of the subject quarter, in accordance with law.

WPA 7963 of 2020 is disposed of.

(Debangsu Basak, J.)