

03.08.2021

Ct. No.13

Sl. No.26

akd

W.P.A. 11280 of 2021 [via video conference]

[Tripti Sarkar -Vs- The State of West Bengal & Ors.]

Mr. Prabir Maji

... .. for the petitioner

Mr. Aniket Mitra

Mr. Sudipto Das

... for respondent nos.4 & 5

Mr. Jishnu Chowdhury

Ms. Amrita Panja Moulick

... .. for the State

The Officer-in-charge, Pujali Police Station, Diamond Harbour Police District has filed instructions dated 2nd August, 2021. The same is taken on record. The OC has opined that the petitioner and her sons and daughter are living in peace.

This Court is unable to accept the same for the fact that there is already a charge-sheet being No. 25 of 2020 dated 31st January, 2020 filed against the private respondents-sons. This Court is also informed that a partition suit being T.S. No. 220 of 2020 has been filed by the petitioner-mother before the Civil Judge (Senior Division), Alipore. The Civil Judge has ordered Status Quo.

Mr. Jishnu Chowdhury, learned counsel appearing for the State has suggested in all fairness that the State is willing to enforce the order of status quo to ensure peace between the parties.

This Court is, however, of the view that the petitioner-mother during her lifetime is entitled to live in peace and undisturbed. Since the property comprises of a ground and first floor, the petitioner shall have exclusive possession of the ground floor of the property. To take care of her needs, the

petitioner may permit her daughter to stay with her in the ground floor at a place to be decided by her. The two sons of the petitioner being private respondent nos.4 & 5 and their families shall occupy the first floor and shall not have access to the ground floor except for ingress and egress to the first floor. It is expected that the daughter of the petitioner shall take care of her.

The Officer-in-charge, Pujali Police Station shall ensure that this arrangement is followed and the parties do not come into contact with one another unnecessarily. The OC shall also ensure that there is no breach of peace.

It is submitted that the two private respondents-sons have been paying a sum of Rs.8,000/- per month to the petitioner towards maintenance. Learned counsel for the petitioner vehemently denies the same.

Since the private respondent nos.4 & 5 have voluntarily offered to maintain the petitioner-mother, a sum of Rs.10,000/- shall be paid on a monthly basis to the writ petitioner by the two private respondents-sons. The said payment shall be made by postal money order.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)