

29.11.2021.
Item no. 38.
Court No.13
ap

**W.P.A. No. 11588 of 2021
(Through Video Conference)**

**Jharna Chandra
Versus
The State of West Bengal & Ors.**

Mr. Biswajit Saw.

...For the petitioner.

Mr. T.M. Siddique,
Mr. Simanta Kabir.

..For the State.

Mr. Dipayan Kundu.

...For the respondent nos.3 to 5.

Inspector-in-charge, Behala Police Station has submitted a report dated 25th August, 2021. The same is taken on record.

It is submitted that though the son and daughter-in-law of the private respondents have been provided separate residence at Khidirpur, they continue to stay in the first floor of the said premises. It is further submitted that the said daughter-in-law and grandson have regularly harassed the petitioner. It is also submitted that the petitioner is not also being allowed to open the almirah on the ground floor of the premises where her valuables are stuck and the key to the said almirah is lost.

There is a civil suit pending with regard to the property in question which is a two storied house.

Counsel for the private respondents submits that the matter ought to be referred to mediation before the Mediation Committee of the High Court.

This Court is not inclined to accede to such request.

The Inspector-in-charge, Behala Police Station shall escort the daughter-in-law and grandson of the petitioner out of the house forthwith and immediately. The said daughter-in-law and son shall be entitled to remove all their articles from the said premises on a date to be notified to the Inspector-in-charge, Behala Police Station.

The Behala Police Station shall thereupon facilitate peaceful removal of the articles and goods of the daughter-in-law and grandson of the petitioner from the said premises.

It is made absolutely clear that the son, daughter-in-law and grandson shall not be permitted to enter into the said residence without the leave in writing of the writ petitioner duly countersigned by the Inspector-in-charge, Behala Police Station.

It is also made clear that this Court has in any way decided the pending issues in Title Suit No. 850 of 2021. The said Court may proceed to determine the same in accordance with law. The petitioner may keep her daughter with her and file proceedings under the Maintenance & Welfare of Parent & Senior Citizen Act, 2007 and claim any reliefs thereunder against the son and daughter-in-law.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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

(*Rajasekhar Mantha, J.*)