

09.08.2021.
Item No. 83.
Court No.13
ap

**W.P.A. No. 11934 of 2021
(Through Video Conference)**

**Mst. Achhia Bibi @ Asiya Bibi @ Guju
Versus
The State of West Bengal & Ors.**

Mr. Sandipan Maity.

..For the petitioner.

Mrs. Chama Mookherjee,
Ms. Paramita Pal.

...For the State respondents.

Mr. Kingsuk Mondal.

...For the respondent nos.4 & 5.

The writ petitioner complains that the private respondent nos.4 and 5, namely, her step son and step daughter-in-law, are entering into the residence of the petitioner and threatening her. It is submitted that the petitioner is a senior citizen and 80 years old and is regularly harassed and tortured.

Counsel for the private respondent step son submits that he has a share in the property, which stood jointly in the name of the petitioner and her late husband i.e. his father. He further submits that the petitioner in collusion with her biological son is ousted to evict the private respondents from the said premises.

Counsel for the State, Mrs. Mookherjee, submits that a proceeding under Section 144 of the Code of Criminal Procedure had been taken out by the petitioner which has since been dropped.

Investigation conducted after receipt of a complaint from the petitioner has revealed that the private respondents were not residing in the said premises for about 40 years and have been visiting only in the recent past, after the death of his father.

In that view of the matter, without adjudicating upon any of the rights that the private respondents may have in respect of the said premises, the Inspector-in-charge, Berhampore Police Station, Murshidabad shall ensure that the private respondent nos.4 and 5, do not enter the premises of the petitioner.

It is once again made clear that the private respondents may prove their rights, if any, in respect of the said property before appropriate civil or other forum. Till such decision and enforcement thereof the private respondents shall not be entitled to enter into the said premises or disturb the petitioner.

Inspector-in-charge, Berhampore Police Station, Murshidabad shall maintain regular vigil on the said premises.

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 on usual undertakings.

(Rajasekhar Mantha, J.)