

15-09-2021
ct no. 13
Sl.142
sp

W.P.A. 12522 of 2021

Smt. Bakul Majumder

-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Debasis Kar,
Mr. Subhajit Chowdhury

...for the petitioner

Mr. Pantu Deb Roy, Id. A.G.P.,
Ms. Sutapa Sanyal,
Mr. S. Dhar

...for the State

The writ petitioner claims to be the absolute owner of premises no. 59, Nabapally, Dumdum, Italgacha, P.S.-Dumdum, Dist.- North 24 Parganas.

It is submitted that the private respondent no. 4, Smt. Papiya Majumder (Mukherjee), who is the daughter-in-law, resides separately with her husband Subrata Majumder at Manickpur, Ramkrishba Nagar, H/o- Gopal Mistry, P.S.- Dumdum, Kolkata – 700079. It is submitted that the private respondent is continuously trying to disturb the possession of the writ petitioner and tries to forcefully enter her house.

Counsel for the State submits that on complaint of the writ petitioner's son, Subrata Majumder and the directions of the learned Additional Chief Judicial Magistrate, Barrackpore under Section 163 of the Cr.P.C., Dumdum P.S. Case No. 777 of 2021 dated 20.07.2021 under Sections 448/427/323/325/341/

504/506/34 of the IPC has been registered and investigation is on.

It is further submitted that on a further complaint and directions of the learned ACJM, Barrackpore under Section 156 (3), being P.S. Case No. 879/2021 dated 12/08/2021 under Sections 341/323/325/448/506 and Section 34 of the IPC has been filed and investigation is on.

Another proceeding under Section 107 of the Cr.P.C. has been taken out by the Executive Magistrate, Barrackpore against the private respondent no.4 at the instance of the said son, Subrata Majumder.

A complaint against the writ petitioner and her husband, based on which Dumdum P.S. Case No. 831 of 2021 dated August 1, 2021 under Section 498A of the IPC has been registered and is pending investigation.

Despite service of notice, private respondent is not represented.

It is clear from the above that the private respondent does not reside in the residence of the writ petitioner and the writ petitioner is the absolute owner thereof.

In that view of the matter, the Inspector-in-Charge, Dumdum Police Station shall ensure that the peaceful possession of the writ petitioner is not disturbed in any way by the private respondent no.4 and the said private respondent no.4 shall not be

allowed to enter into the said premises of the writ petitioner. Investigation into the pending FIR, however, be completed expeditiously preferably within a period of two months from the date of communication of a copy of this order.

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

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)