

**W.P.A. 13299 of 2021
(Through Video Conference)**

**Rofika Begum
-vs-
The State of West Bengal & Ors.**

Mr. Rafikul Islam Sardar
Mr. Wasim Raj Sardar
... for the petitioner

Mr. Jaharlal De
Mr. Srikanta Paul
... for the State

Mr. Ashok Saha
Mr. Sourav Paul
... for private respondent nos. 4-9

The petitioner complains that her sons and daughters-in-law are assaulting and are creating nuisance to her peaceful existence in the residence. Admittedly, the petitioner and her sons have equal share in the said property.

Earlier, the writ petitioner had filed W.P. No. 20457 (W) of 2018 (Rofika Begum –vs- The State of West Bengal & Ors.). The said writ petition was disposed of by a Co-ordinate Bench of this High Court vide order dated 02/08/2019, directing that the petitioner will stay in a room in the house to be identified by the sons and daughters-in-law.

The instant writ petition is filed stating that no such room has been allotted to her till such date.

It is also submitted that the choice of room of the petitioner has not been acceded to.

Mr. Jaharlal De, learned counsel appearing for the State submits that a charge sheet being Jagacha PS C.S.No. 187/18 dated 31/10/2018 had been filed against the private respondents under Sections 323/307/112/506/34 of the

Indian Penal Code and Sections 24/25 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (hereinafter referred to as the 'said Act'). In addition to that a further charge sheet being Jagacha Police Station C.S. No. 197/18 dated 30/11/2018 under Sections 323/325/506/34 of the Indian Penal Code and Sections 24 and 25 of the said Act has also been registered against the private respondents.

It is submitted by the petitioner that a further complaint had been filed in August 2021 by the writ petitioner against the private respondents before the Jagacha Police Station.

Since there are two charge sheets already filed on the complaint of the writ petitioner, there is no need of any further cognizance of any complaint to be taken by the Jagacha Police Station in this regard.

It appears that the family dispute will continue in an unending way, notwithstanding a very conciliatory and fair order dated 02/08/2019 had been passed by the Co-ordinate Bench of this Court. Let the issue, as regards the writ petitioner's right to occupy a room of her own choice be referred to the Sub-Divisional Officer under the provisions of the said Act of 2007.

The Sub-divisional Officer shall issue notice to the writ petitioner and the private respondents and pass a suitable order ensuring the rights of the petitioner and also protecting the rights of the private respondents, residing in the premises, in accordance with law.

The SDO shall enter into the enquiry, as directed hereinabove, upon receiving an application from the writ petitioner within a period of 15 days from date.

It is expected that the said application of the writ petitioner, including her maintenance and the expenses, therefor, shall be decided by the SDO under the provisions of the said Act, in accordance with law within a period of three months, thereafter.

The instructions of the I/C Jagacha P.S. dated 31st August, 2021 addressed to Mr. Jaharlal De are kept with the record.

The writ petition being WPA 13299 of 2021 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after completion of requisite formalities.

(Rajasekhar Mantha, J.)

