

AD. 6.
January 21, 2021.
MNS.

W. P. A. 7500 of 2020
with
IA NO: CAN 1 of 2020
(Via video conference)

Smt. Champa Dutta alias Smt. Champa
Datta
Vs.
State of West Bengal and others

Mr. Siddhartha Lahiri,
Mr. Subhashis Saha

... for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Aniruddha Mohantay

...for the respondent-authorities.

Mr. Tanmoy Mukherjee,
Mr. Amal Kumar Saha,
Ms. Iresh Paul

...for the private respondents.

The report filed by the police authorities in
Court today be kept on record.

The petitioner is the mother of respondent
no. 4. It is alleged by the petitioner that the
respondent no. 4 detained the petitioner by
locking her in her own portion of the common
building, where both the private parties reside.
Subsequently, the petitioner was rescued by her
daughter.

It is submitted in this context that there is a bone of contention between the petitioner and respondent no. 4 as regards the family business, which was originally run by the husband of the petitioner, which is one of the triggers of such action by the private respondent.

Subsequently, it is contended, the petitioner was locked out from her own portion of the building by her son, that is, respondent no. 4. Despite complaint, the police authorities are not taking any steps in that regard.

Learned counsel appearing for the private respondent submits that the said respondent has no objection if the mother (writ petitioner) enters or exits her own portion of the building-in-question. It is denied that the private respondents have created any obstruction to such ingress and egress by the petitioner.

Learned counsel appearing for the respondent-authorities, by pointing out to the complaint lodged by the petitioner (annexed at page- 33 of the writ petition), submits that the petitioner never specifically complained of being locked out from the premises or regarding obstruction being raised by the private respondents in her ingress and egress thereto.

In fact, the petitioner merely obtained an order under Section 144(2) of the Code of Criminal Procedure and the police authorities have been taking appropriate steps in compliance of such order. Prosecution has been duly initiated under the appropriate provision of law in that regard.

It appears from the materials on record that the petitioner did not specifically lodge any complaint about any obstruction by the respondent no. 4 to her ingress and egress to the property-in-question.

However, since such allegations are raised in the writ petition and the respondent no. 4 is fair enough to contend that the said respondent has no objection to such ingress and egress and will not prevent the same, there is no bar in permitting the petitioner to reside at her portion of the premises, without any obstruction to her movement to and from such portion.

In order to mitigate the apprehensions in the mind of the petitioner any to obviate any scope of further allegations being made by the petitioner against the respondent no. 4 with regard to such ingress and egress, it would be appropriate if the police authorities are directed to

assist the petitioner in that regard, upon due costs being paid by the petitioner.

Accordingly, W. P. A. 7500 of 2020 is disposed of by directing respondent no. 3 to provide police protection to the petitioner to enter her portion of the premises at Habra Aurobinda Road, West Bengal, Pin Code No. 743 263, District- North 24 Parganas, as and when approached by the petitioner.

The police authorities shall give an estimate of the costs for such assistance after reinstating the petitioner and the petitioner shall clear such costs within one week after being given the estimate. It is made clear that the observations made in the writ petition shall not create any prejudice to the contentions of any of the parties with regard to the respective rights of the private parties in the family business.

It is further clarified that the police authorities shall not wait for deposit of the costs in granting police assistance to the petitioner.

Since the court did not call for the respondents to use any affidavit-in-opposition, it is deemed that the allegations made in the instant writ petition are not admitted by the respondents.

In view of disposal of the writ petition, CAN
1 of 2020 is also treated to be disposed of.

There will be no order as to costs.

Urgent photostat certified copies of this
order, if applied for, be made available to the
parties upon compliance with the requisite
formalities.

(Sabyasachi Bhattacharyya, J.)