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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

WPO/633/2021

SMT. SUNITA SEAL
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 23rd November, 2021

Appearance:
Mr. Krishnendu Bhattacharya, Adv.
Ms. Somali Mukhopadhyay, Adv.
...for the petitioner

Mr. Debjit Mukherjee, Adv.
Mr. Kaustav Bhattacharya, Adv.
Ms. Susmita Chatterjee, Adv.
...for the respondent

Mr. Aniruddha Mitra, Adv.
Mr. Gaurav Purkayastha, Adv.
...for the respondent nos. 5 to 7

The Court:- The petitioner complains of the police inaction. It is submitted that private respondents being son and daughter-in-law are torturing her and despite complaint lodged with the Shyampukur Police Station, no steps had been taken.

It appears from the records that the property being occupied by the petitioner and the private respondents is a debattor property. The proceedings are pending before this Court in CSOS No. 2 of 2019. Before the City Civil Court

at Calcutta TS No. 652 of 2021 is pending. The matter from the City Civil Court has been carried to a Division Bench of this Court where appeals are pending and contempt applications have been filed.

Counsel for the State, Mr. Mukherjee has filed a report on the earlier occasions. The report indicates that due steps have been taken by the Shyampukur Police Station. Police Officers have visited the said premises and have asked the parties to maintain peace and tranquility. Proceedings under Section 107 were also drawn up and dropped.

This Court is of the view that the dispute between the parties is a fall out of and subject matter of the pending civil proceedings. This Court sees no inaction on the part of the police. The writ petitioner may seek remedies before the Civil Court. The writ petitioner, in addition thereto, may also avail the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

With the aforesaid observation, WPO No. 633 of 2021 is disposed of.

A copy of the report of Shyampukur Police Station may be kept with the record.

(RAJASEKHAR MANTHA, J.)