

S/L 47
08.06.2022
Court. No. 19
GB

WPA 21 of 2022

Jeleben Bibi
VS
The State of West Bengal & Ors.

*Mr. Debapratim Guah,
Mr. Rajdeep Bhattacharya,
Ms. Anchita Sarkar.*

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Sanatan Panja.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

None appears on behalf of the respondent nos.6 and 7. The respondent nos.6 and 7 are the sons of the petitioner.

The allegation is that the sons of the petitioner drove the petitioner out of the house. The petitioner has also initiated proceeding for maintenance under Section 125 of the Code of Criminal Procedure, which is pending before the appropriate jurisdictional court. The allegation is that the petitioner approached the police authorities of Amdanga Police Station for assistance, so that the petitioner could enter her house, but the police authorities failed to provide such assistance. Hence, the writ petition has been filed.

The police authorities have filed a report, from which it appears that on receipt of the complaint of the petitioner, which was addressed to the Superintendent of Police, Barasat, SI, Samarjit De Biswas of Amdanga Police Station enquired into the matter and submitted a report. The police authorities visited the house situated at village Tababeria and found that there a dispute persisted between the petitioner

and her sons. Accordingly, prosecution under Section 107 of the Code of Criminal Procedure vide Amdanga P.S. NCR No.555/21 has been submitted. The petitioner is still residing at her daughter's residence. Although it is the specific contention of the police authorities that the petitioner and the respondent nos.6 and 7 have resolved the dispute under the advice of the Upa-Pradhan, such contention of the police authorities is denied by the petitioner.

The house belongs to the husband of the petitioner. It is alleged that the house was gifted to the petitioner. The petitioner contends that by virtue of the deed of gift, the petitioner has every right to reside in the premises in question.

With regard to the claim of title of the petitioner, over the property, neither this Court nor the police authorities can decide the same. However, as the house belonged to the husband of the petitioner, unless contrary title can be proved by the respondent nos.6 and 7, the petitioner has a right to reside in the said house.

Under such circumstances, the writ petition is disposed of with a direction upon the Inspector-in-Charge, Amdanga Police Station to assist the petitioner in every possible manner to ensure a safe entry of the petitioner into the residential house, in case the petitioner approaches the police authorities.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)