

S/L 151
29.06.2022
Court. No. 19
GB

WPA 1323 of 2020

Sahazadi Begum
VS
The State of West Bengal & Ors.

*Mr. Biswajit Hazra,
Mr. Archisman Sain,
Mr. Arif Md. Khan.*

...for the Petitioner.

Mr. Amritalal Chatterjee.

...for the State.

*Mr. Debapriya Samanta,
Mr. Samrat Ghosh.*

...for the Respondent No.7.

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

It appears from the track report that the postal article sent to the respondent no.6 was kept on hold by the postal authorities on the direction of the addressee, i.e., the respondent no.6. On the earlier occasion the service was refused. The respondent no.7 is present. The respondent no.8, who is the landlord, has been served.

The petitioner is a senior citizen and the mother-in-law of the respondent no.6 and mother of the respondent no.7. The respondent no.7 submits that the respondent no.6 had driven the respondent no.7 out of the tenanted property.

The petitioner is a charge-sheeted accused in a proceeding under Section 498A, which was initiated by the respondent no.6. This Court is not in a position to direct entry of the petitioner to the rented accommodation, in which the respondent no.6 resides, as the Court apprehends that pursuant to the charge-sheet, which has been filed in

respect of the complaint of the respondent no.6, the situation may get beyond control and further untoward incident may take place. The security of the respondent no.6 has to be ensured in view of the fact that, not only the petitioner, but also the respondent no.7 and another son of the petitioner and relatives have been accused of offences punishable under Section 498A of the Indian Penal Code.

Upon perusal of the police report, this Court finds that this case is not one of simplicitor ouster of a senior citizen. The respondent no.6 had filed a complaint under Sections 498A/406/34 of the Indian Penal Code. Tiljala PS Case No.429 of 2019 was registered. Investigation was completed. A charge-sheet bearing no.205 of 2019 was also submitted and now, the matter is before the learned Additional Chief Judicial Magistrate, Alipore, 24 Parganas (South).

Under such circumstances, a direction upon the police authorities to escort the petitioner to the rented accommodation, where the respondent no.6 resides, cannot be issued. Private right of the individuals, cannot be decided in this proceedings.

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.)