

31.03.2022
Court No.13
Item No.68
AP

WPA 2266 of 2022
Pritikana Basak
Vs.
State of West Bengal and Ors.
(Through Video Conference)

Mr. Imtiaz Ahammed
Mr. Sourav Chatterjee
Mr. Antarikhya Basu
Mr. Anirban Dutta
Ms. Madhumita Basak
Ms. Sohini Bardhan

... For the Petitioner.

Ms. Chaitali Bhattacharyya
Ms. Sukla Das Chandra

... For the State.

Mr. Ujjal Roy

... For the respondent No.5.

The petitioner claims that she has been thrown out of her flat under Eco Park Police Station by her daughter-in-law. It is submitted that the petitioner has been acquitted in a proceeding under Section 498A, initiated by the daughter-in-law against her and her son. Presently, the daughter-in-law and her minor daughter reside in the said premises, which is admittedly in the name of the writ petitioner. There are proceedings under D.V. Act taken out by the daughter-in-law, allegedly after the receipt of the summons in the instant writ petition. The petitioner submits that she is entitled to be restored into possession of her house.

Counsel for the State submits instructions of the IC, Eco Park Police Station, Bidhannagar Police Commissionerate along with annexures, and the same is taken on record.

It appears from the submissions of the State and the instructions of the IC, Eco Park Police Station that the petitioner had never resided in the said premises since the year 2013, when she had first purchased it.

The private respondent also submits that the flat was purchased out of the funds of the son of the petitioner.

This Court cannot adjudicate or enter into such disputes and no decision is pronounced thereon. However, considering the report of the IC, Eco Park Police Station, that the residents of the building complex confirm that the petitioner has never resided in the said flat/premises, the petitioner cannot be restored into possession of the same by this Court. The petitioner may avail appropriate civil remedies in this regard.

Proceedings under the D.V. Act initiated by the private respondent may continue in accordance with law. The petitioner shall also be entitled to take appropriate statutory proceedings, if so advised, for seeking appropriate remedies.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)