

07.06.2022
Sl. No.10
srm

W.P.A. No. 3467 of 2021

Smt. Aparna Biswas

Versus

The State of West Bengal & Ors.

Mr. Soumen Datta,
Mr. Tapas Singha Roy,
Mr. Aniket Mitra

...for the Petitioner.

Mr. Debasish Ghosh,
Mr. Subhajit Roy

...for the Respondent Nos.5 & 6.

Mrs. Chama Mookherji,
Ms. Monika Pandit

...for the State-respondents.

The petitioner alleges that the Officer-in-Charge, Santragachi Police Station did not take any steps pursuant to the complaint lodged against the respondent Nos. 5 and 6. The dispute arose over a property which belonged to the husband of the petitioner. The respondent No.5 is the son of the petitioner and the respondent No.6 is the daughter-in-law.

According to the petitioner, the respondent Nos.5 and 6 drove the petitioner out of the residence and the petitioner was forced to reside in a rented accommodation.

It is further alleged that the respondent Nos.5 and 6 had demolished a portion of the premises and had also stopped all essential services to the petitioner in the said house.

The allegation is that the police authorities having been influenced by the respondent No.5, who is in service under the police department, have intentionally not paid any heed to the repeated complaints filed by the petitioner.

The police authorities have filed a report, from which it appears that the respondent No.5 is the stepson of the petitioner and there is a family dispute between the parties. A title suit being Title Suit No.238 of 2020 has been filed by the respondent No.5, which is pending before the learned Civil Judge (Senior Division), 3rd Court at Howrah. An order of *status quo* has also been granted.

Thus, this Court is of the view that the contention of the petitioner with regard to the stoppage of essential services, demolition and change in the nature and character of the premises in question, are matters to be decided by the Civil Court and the petitioner is at liberty to approach the Civil Court for appropriate reliefs. However, as the house originally belonged to the father of the respondent No.5 who was the husband of the petitioner, the petitioner is entitled to reside in the said house at her own will and she may enter into the said premises without any resistance. The police authorities shall render assistance, if requested by the petitioner, although it is submitted by Mr. Ghosh, learned Advocate appearing on behalf of the respondent Nos.5 and 6, that the said

respondents have never disturbed the petitioner's peaceful possession of her portion of the residential house. The respective parties shall continue to use and occupy the premises with common facilities to the extent that they have been occupying and using, till the decision is arrived at by the Civil Court, in the partition suit.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)