

10.06.2022
Court No. 19
Item no.55
CP

WPA No. 4370 of 2022

Jana Ghosh Ray @ Lila Ghosh Roy
Vs.
The State of West Bengal & ors.

(via video conference)

Mr. Anindya Bose
Mr. Diptendu Mandal
Mr. Nikhil Kr. Gupta
.....for the petitioner.

Mr. Himadri Sikhar Chakraborty
Mr. K. M. Hossain
...for the State.

Mr. Dr. Sabyasachi Ghosh Ray
.....respondent no. 5-in-person.

Mrs. Jennifer Ghosh
.....respondent no. 6-in-person.

Ms. Sreyosi Ghosh
.....respondent no. 7-in-person.

The affidavit of service is taken on record.

The allegation of the petitioner is against the respondent nos. 5, 6 and 7. It is contended that the respondent nos. 5, 6 and 7 have continuously tortured the petitioner and has prevented the petitioner from her peaceful enjoyment of the premises situated at 251A/6A, N.S.C. Bose Road, Kolkata – 700047. The petitioner is the mother of the respondent no. 5, the mother-in-law of the

respondent no. 6 and the grand mother of the respondent no. 7.

It appears that legal proceedings between the parties have been going on before different courts since long. Records reveal that at different points of time orders have been passed by different courts on some applications which have been filed by the respondent nos. 5 to 7.

Serious allegations have also been made by respondent nos. 5 to 7 against the petitioner. It is submitted that the petitioner under the influence of local promoters and goons are using the courts for directions upon the police authorities primarily, to oust the said respondents from the property in question.

From the records of all these litigations which are pending between the parties, it appears to the court that the dispute and the animosity is primarily on the distribution and partition of a property. A partition suit is pending. The petitioner has also filed a case under the Domestic Violence Act, which is pending.

The report of the police authorities is taken on record. It appears that as many as 17 FIRs were registered by the Officer-in-Charge, Netaji Nagar Police Station pursuant to the complaints filed by the respective parties. In some cases, investigations are

complete. In case of others, the investigation is going on. Some of the investigations had resulted in the filing of final report and some have culminated in filing of charge-sheets. Thus the parties shall face trial before the respective courts and all points are available to them to be raised in those proceedings.

The petitioner has already availed of her remedy under the Domestic Violence Act with regard to her protection and residence in the shared household. Such remedy shall be pursued in accordance with law and disposed of accordingly.

Proceedings under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act which has been filed by the petitioner, will continue in accordance with law.

The court does not find that the allegations of police inaction are tenable, in view of the report filed by the police authorities. The dispute is over property.

Thus, under such circumstances, the court does not find that a case of police inaction has been made out. However, the parties are directed to maintain peace and tranquility and the police authorities shall ensure the same and keep vigil.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)