

S/L 47
13.6. 2022
Court. No. 19
Sn

WPA 4927 of 2022

Smt. Pratima Mallick
Vs.
The State of West Bengal & Ors.

Mr. Sundar Gopal Bhattacharyya
... for the Petitioner

Mr. Subhabrata Datta
Mr. Debashis Sarkar *... for the State.*

Mr. P.K. Tarafder
Mr. S. Dutta *.for the respondent no.10*

This writ petition has been filed by a 87 year old lady alleging torture and harassment by the respondent no. 10, being the eldest son of the petitioner and the respondent no. 11, care giver of the petitioner.

The contention of Mr. Tarafder, learned Advocate for the respondent No.10 is that the writ petition is not maintainable against the respondent no. 11 as she is not residing in the house of the petitioner any more. Her engagement has been discontinued. Such submission of Mr. Tarafdar is confirmed upon instructions from the respondent no.10, who is present in Court.

There are other allegations and counter allegations with regard to right, title and enjoyment of the ancestral property. It appears that two civil suits are pending, filed by the respective parties and

necessary orders of injunction have been passed by the civil courts. The petitioner and the respondent no.10 will be at liberty to approach the civil court for appropriate reliefs, if there is any breach of the orders of injunction.

The petitioner prays for recovery of essential documents. Although it is the contention of Mr. Tarafdar that the documents have been returned to the petitioner, the petitioner denies the same.

The voter card, pan card and aadhar card etc. of the petitioner will be returned by the respondent No.10 to the petitioner, through the Officer-in-charge, Behala Police Station, if not already done. The police authorities will take into the issue. The Officer-in-charge, Behala Police Station, will keep strict vigil in order to ensure that the petitioner is not harassed or tortured by the respondent no.10 or any of his associates.

This Court has not gone into the question of title and possession etc. in respect of the property in question. Such issue shall be decided by the civil court.

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.)