

06.06.2022
Sl. No.125
srm

W.P.A. No. 5126 of 2022

Gita Bhattacharjee

Versus

The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Ms. Debarati Choudhury

...for the Petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar

...for the State-respondents.

Mr. Debabrata Ray,
Ms. Sadhana Bhattacharya,
Mr. Souvik Mondal

...for the Respondent No.6.

Affidavit of service is taken on record.

The petitioner is the mother-in-law of the respondent No.6. The allegation of the petitioner is that the petitioner was undergoing chemotherapy in Calcutta and taking advantage of the absence of the petitioner, the respondent No.6 has taken possession of the entire residential house of the petitioner situated at 25, Tara Sankar Sarani, City Centre, Post Office-Durgapur 16, District-Paschim Bardhaman.

It is further submitted that the respondent No.6 tried to put pressure on the petitioner to transfer the said property in the name of the respondent No.6 by executing a deed of gift.

As the petitioner refused to succumb to such pressure, the respondent No.6 practically ousted the petitioner from her residential house. The petitioner apprehends that if the petitioner returns to her house at Durgapur, the respondent No.6 would cause mental harm and physical injury to the petitioner. The petitioner submits that she is a cancer patient and she is not being able to reside in her own house in view of the threats given by the respondent no.6. She could not be at the mercy of her relatives.

Further allegation is that despite several complaints having been filed before the police authorities, the police authorities have failed to take steps.

The police authorities have filed a report. It appears that Inspector-in-Charge, City Centre Investigation Centre, Durgapur Police Station had visited the premises and reports for prosecution vide NCR No.357 of 2021 dated October 7, 2021 under Section 107/116(3) of Cr.P.C., NCR No.361 of 2021 dated October 7, 2021 under Section 107/116(3) of Cr.P.C. and NCR No.384 dated April 5, 2022 under Section 506 of the Indian Penal were submitted against the respondent No.6. The police authorities have also stated that the petitioner was not present at her house at Durgapur. Strict vigil has also been kept, so that the petitioner may not be harassed. The report of the police authorities is taken on record.

Mr. Ray, learned Advocate appearing on behalf of the respondent No.6, submits that the petitioner was never prevented by the respondent No.6 from entering her own house. The writ petition is based on apprehension. That an investigation is pending against the petitioner being Durgapur PS Case No.134 of 2021 dated March 19, 2021.

The Court does not find that there has been any inaction on the part of the police authorities. It is neither for the writ court nor for the police authorities to decide and resolve such dispute between the mother-in-law and the daughter-in-law.

The remedy of the petitioner should have been to approach the appropriate Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. However, as Mr. Ray submits that the respondent No.6 had not prevented the petitioner from entering her own house situated at 25, Tara Sankar Sarani, City Centre, Post Office-Durgapur 16, District-Paschim Bardhaman, the petitioner is at liberty to enter and reside in her own house without further disturbance. Both the petitioner and the respondent No.6 shall reside peacefully. The police authorities will ensure her entry, if such help is requested by the petitioner.

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.)