

S/L 414(ML)
14.07.2022
Court. No. 19
GB

WPA 6722 of 2022

Kanchan Rani Saha
VS
The State of West Bengal & Ors.

*Mr. Tanay Chakraborty,
Mr. Rajiv Lochan Chakraborty,
Mr. Priyanjit Kundu.*

...for the Petitioner.

*Mr. Asish Kumar Guha,
Mr. Jayak Kumar Gupta.*

...for the State.

Mr. Joydeep Guha.

...for the Respondent No.5.

Mr. Santu Nandy.

...for the Respondent No.6.

Apart from the direction upon the police authorities to ensure that the respondent no.5 does not torture the petitioner, who is a senior citizen, no further order can be passed in the writ petition.

Upon going through the submissions of the respective parties and the report of the police authorities, it is clear that the dispute is with regard to ownership of the businesses (three shop rooms) in the Burrabazar area. Three or four title suits are pending between the parties. In one such suit filed by the youngest son of the petitioner, an ad interim order of injunction had been passed restraining the defendants therein, from disturbing the possession of the said respondent in respect of one such shop room. The petitioner has also filed a civil suit with regard to Shop Room No.26.

The police authorities made an enquiry. They have come to the conclusion that the dispute was with regard to

the business. The enquiry revealed that the respondent no.5 was looking after the businesses, while the other brothers were residing elsewhere. The parents wanted that the businesses must be distributed equally amongst the sons. Whereas, the respondent no.5 had prevented such amicable partition. The desire of the parents to distribute their businesses amongst the three sons was not respected by the respondent no.5. Hence, the situation got out of hand and disputes arose. Although it is alleged that the respondent no.5 had tortured the petitioner, the police report does not mention anything about such alleged torture. The report only indicates that the disputes are with regard to the profits and shares in the businesses.

The learned advocate for the respondent no.5 has handed over documents to show that suits are pending with regard to three shop rooms. He further submits that the shops were his exclusive business and the other brothers did not have any share in those. He also denies the fact that the businesses were joint family businesses, established by the petitioner. These statements have been denied by the petitioner. Such disputed questions cannot be decided by this Court.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to maintain a strict vigil in the locality where the petitioner resides and to ensure that the respondent no.5 does not disturb the petitioner in any way. The rights of the petitioner to be maintained by the respondent no.5, shall be

adjudicated by the appropriate forum under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

The civil suit shall proceed independently. If in future, the petitioner approaches the police with further allegation of commission of any offence, by the respondent nos.5, the police authorities shall act and proceed in accordance with law.

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.)