

08.07.2022
Sl. No.78(ML)
srm

W.P.A. No. 11045 of 2022

Smt. Arati Mohanth

Versus

The State of West Bengal & Ors.

Mr. Subrata Bhattacharjya

...for the Petitioner.

Ms. Jayeeta Sinha,

Mr. Ranjit Rajak

...for the State-respondents.

Mr. Uday Sankar Chatterjee,

Mr. Suman Sankar Chatterjee,

Mr. Santanu Maji,

Ms. Snigdha Sahani,

Ms. Trisha Prakshit

...for the Respondent Nos.6 & 7.

The petitioner prays for an order of eviction of her daughter and the son-in-law. The police report indicates that the petitioner had permitted them to stay in the property. The petitioner claims to be the exclusive owner of the property. The learned Advocate for the respondent Nos.6 and 7 submits that the property belongs to the husband of the petitioner and the father of the respondent No.6.

The police authorities have filed a report, from which it appears that pursuant to the complaint filed by the petitioner, the parties were called to the police station

and an amicable settlement was attempted. The police report is taken on record.

According to the petitioner, such settlement had failed. The petitioner urges the Court to pass necessary orders for ouster of the respondent Nos.6 and 7 on the following grounds:

(a) that the respondent No.6 is an employee of the

Eastern Coal Fields;

(b) that the respondent No.6 earns a salary over one

lakh;

(c) that the respondent No.6 could always avail of

the service quarters.

The learned Advocate for the respondent Nos.6 and 7 submits that the petitioner was never obstructed in anyway from enjoying the property. Rather, it is submitted that the petitioner and her husband live in an Ashram elsewhere.

This Court is not in a position to pass any order of eviction of the respondent Nos.6 and 7. The dispute is with regard to ownership and title of the property. Such dispute has to be decided by the appropriate civil court. The petitioner claims exclusive ownership, whereas, the respondent No.6 claims a share in the property as an heir of her father.

Under such circumstances, until a civil court decides that matter of title, this Court cannot pass any orders, as prayed for by the petitioner. However, the Inspector-in-Charge, Kanksa Police Station shall ensure that the petitioner is able to reside in the premises peacefully and no harm is caused by the respondent Nos.6 and 7.

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.)