

01.08.2022
Court No. 19
Item no.319
CP

W.P.A. No. 12397 of 2019

Rama Bhattacharya
Vs.
The State of West Bengal & ors.

Mr. Monomohan Basu
...for the petitioner.

The prayers in the writ petition and the pleadings are contradictory. While the petitioner alleges that the respondent no. 7 had driven the petitioner out of the residence which she had allegedly gifted to the son, the prayers do not indicate so. On the contrary, prayer 'a' is for a direction upon the police to ensure that the house is returned to the petitioner. It is alleged that by a notarized instrument the house was gifted to the respondent no. 7. The respondent no. 7 had forced the petitioner to sign the said notarized document. It also appears that the petitioner had moved the tribunal under Section 23 of the Maintenance and Welfare of Parents & Senior Citizens Act, 2007 and an order was passed upon the IC, Jhargram to keep a close watch so that the petitioner's stay in the house would not be disturbed by the respondent no. 7 or his men and associates. An order was also passed upon the police authorities to ensure that the petitioner is not disturbed in any way.

This writ petition has been filed alleging dispossession and torture.

In view of the contradictions in the pleadings and the defects in the prayers, this court is of the view that no order can be passed herein. The petitioner may approach the police authorities by filing an appropriate complaint with all her grievances. If such complaint is filed, the same shall be considered by the police authorities in accordance with law, upon taking into consideration the orders passed by the tribunal.

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.)