

05.08.22
SI-01
Ct.32
(S.R.)

MAT No.1460 of 2019
Smt. Purnalaxmi Pal
v.
The State of West Bengal & Ors.
with
CAN No.1 of 2020 (Old CAN No.1364 of 2020)
and
CAN No.2 of 2020 (Old CAN No.1508 of 2020)
(via video conference)

Mr. Swapan Kumar Nandi
Mr. Sibnarayan Chattopadhyay ... for the appellant.

Mr. Santanu Kr. Mitra
Mr. Mirza Kamruddin ... for the State.

Mr. Shyamal Majumder
... for the private respondent nos.5 to 7.

The present appeal has been preferred challenging an order dated 9th August, 2019 passed by the learned Single Judge in the writ petition being W.P. No.21621 (W) of 2018.

Mr. Nandi, learned advocate appearing for the appellant submits that the appellant purchased a plot of land measuring about 1 cottah, 7 chittaks at Mathpara, Barrackpore out of her own earned money and constructed a residential house upon the said plot of land and was residing in the same. Suddenly, in the year 2016 the appellant's sons demanded that the entire residential property should be transferred in their favour. As the appellant did not agree to such demand, her sons started torturing her and ousted her forcibly in the month of June

2017. The matter was reported to the police authorities but they did not take any step and as such, the appellant was constrained to prefer the writ petition.

Mr. Nandi argues that by the order impugned the learned Court, on the basis of the submissions advanced by the respondents, directed that the respondents would provide only one room for her residence in the concerned house. The learned Judge did not take into consideration the fact that separate properties had been granted by the appellant to her sons. The entire house belongs to the appellant and her sons cannot illegally occupy the same.

Such contention of Mr. Nandi has, however, been disputed by Mr. Majumder, learned advocate appearing for the respondent nos.5 and 7. According to him, the allegation of torture is absolutely unfounded. The learned Single Judge had rightly directed that the petitioner would be at liberty to occupy one room at the premises concerned.

Mr. Mitra, learned advocate appearing for the State submits that the allegation of inaction as levelled against the police authorities is absolutely unfounded. The said authorities are duty bound to comply with the orders that may be passed by this Court.

Records do not reveal that any contemporaneous complaint was lodged by the appellant alleging that she had been forcibly ousted from her house.

In our opinion, the said order does not suffer from any infirmity. The learned Single Judge had not only permitted the appellant to reside in a room in the concerned house but had also directed the police authorities to ensure that she may enter the concerned house and reside there peacefully. It had also been directed that the police authorities would ensure that no harm befalls the appellant with regard to her life and property.

In view thereof, no interference is called for in the present appeal.

The appeal and the connected application are, accordingly, disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)