

31.10.2022.
Court No.13
Item No. 9
ap

W.P.A. No. 22452 of 2022

Smt. Milon Rani Bandopadhyay (Das)
Versus
The State of West Bengal & Ors.

Mr. Shamim-ul Bari,
Ms. Molly Saha.

...For the petitioner.

Mr. Amal Kumar Das,
Mr. Lal Mohan Basu.

...For the State.

Mr. Ashok Nath Ghosh,
Ms. Basura Khatun.

...For the respondent nos.6 & 7.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner complains that her son and
daughter-in-law being the private respondent nos.6
and 7 have prevented her from entering the premises.
To that effect, the petitioner had lodged a complaint
with the Raiganj Police Station.

In an earlier proceeding, before a Co-ordinate
Bench of this Court, being W.P.A. No. 2303 of 2022 by
an order dated 9th June, 2022, the police were directed
to complete investigation and the petitioner was to
continue to reside in her premises without any fear.

Counsel for the private respondents submits
that the petitioner, is acting at the instance of her
daughter and intends to evict the son and daughter-
in-law from the said premises, which is disputed by
the petitioner.

It appears from the instructions of the Raiganj Police Station that Case No. 190 of 2022 dated 14th February, 2022 has only been started and the Charge-sheet being C.S. No. 410 of 2022 dated 13th April, 2022 has been filed.

Since the petitioner has already availed the remedies against the alleged actions of the respondents and the remedy under Article 226 of the Constitution of India being a discretionary one, the instant writ petition shall stand disposed of.

The remedy of the petitioner is to seek enforcement of the order dated 9th June, 2022.

The police and the private respondent shall strictly comply with the order dated 9th June, 2022 (supra) passed by a Co-ordinate Bench of this Court.

The instructions of the Inspector-in-charge, Raiganj Police Station, Raiganj Police District, Uttar Dinajpur dated 27th September, 2022 addressed to the Government Pleader, High Court, Calcutta be taken on record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)