

22.08.2022
Court No. 19
Item No. 3 (DL)
CP

WPA No. 22696 of 2019

Kalyani Biswas
Vs.
The State of West Bengal & ors.

Mr. Sumonto Ganguly
Mr. Pranab Palit

...for the petitioner.

Mr. Subhabrata Datta
Mr. Banibrata Datta

...for the State.

Affidavit of service is taken on record. The postal articles sent to the respondent nos. 4 and 5, have come back with the endorsement 'Refused'. Refusal is a good service. The matter is taken up in the absence of the said respondents.

The petitioner is a senior citizen. She alleges that the respondent nos. 4 and 5 dispossessed her from her room in the dwelling house, which she had kept under lock and key. It is further submitted that the said respondents being the son and the daughter-in-law continuously harassed the petitioner, in order to grab the property. The petitioner approached the police authorities with such allegations.

The police authorities made an enquiry and the local people intimated the police that the respondent

nos. 4 and 5 had abused the petitioner in filthy language.

It appears that the dispute is over property. In order to maintain peace, prosecution under Section 107 and 116(3) of the Cr.P.C. was submitted against the said respondents. Physical enquiry which was conducted by the police authorities on July 4, 2022. Such enquiry indicated that the petitioner had been residing on the 1st floor with her younger son and the respondent nos. 4 and 5 were residing at the ground floor. The police report is taken on record.

Under such circumstances, the allegation of dispossession was not found to be substantiated in the police enquiry.

In case the petitioner approaches the police authorities for being reinstated in the 1st floor of the residence, she shall be provided assistance. The police will maintain a vigil to ensure that she is not disturbed by the respondent nos. 4 and 5.

However, this order shall neither be construed as a declaration of the right, title and interest of the parties in respect of the property in question nor as a demarcation of the property on the basis of their possession. Those issues shall be decided in an appropriate proceeding.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)