

23-03-2023

ct no. 13

sl. 20

sp

WPA 211 of 2023

Smt. Bijali Roy

-Versus-

The State of West Bengal & Ors.

Mr. Sibojyoti Chakraborti,

Ms. Riya Ghosh

...for the petitioner

Mr. Subhabrata Datta,

Mr. Banibrata Dutta

...for the State

Ms. Anyasha Das

....for the respondent nos. 6 and 7

Affidavit of service filed in Court is taken on record.

The petitioner complains that her son and daughter-in-law are constantly threatening and intimidating her to gift her property to them. The house in question stands in the name of the petitioner. There is an adjoining land which was gifted, by the petitioner's husband, to their daughter. The daughter has built a house thereat and lives with her husband and in-laws. The son and daughter-in-law reside with the petitioner. The petitioner resides on the first floor and her son and daughter-in-law reside on a portion of ground floor.

There have been incidents in the past of assault on the petitioner by the son. G.D. Entries

were made by the police. Amicable settlement was reached between the petitioner and her son and daughter-in-law, and she did not proceed thereafter. The petitioner complains that the son continues to inflict torture upon her. He only wants her to gift the property in question to him.

Nagerbazar Police Station has filed a report dated March 1, 2023, which is taken on record.

The report indicates that the daughter-in-law of the petitioner had complained against the petitioner's daughter that was registered as FIR and charge sheet being No. 139/22 dated 28.02.2022 under Sections 447/448/323/506/34 of the IPC has been filed.

The enquiry of the Nagerbazar Police indicates that the relations between the family members have deteriorated after the son got married to a person of a different caste.

This Court notes that there is some evidence of misbehaviour by the private respondents/son and daughter-in-law. The instigation of the petitioner by her daughter and her in-laws cannot be ruled out.

Be that as it may, the petitioner, being a senior citizen, is entitled to live in peace in her own house. She is certainly uncomfortable with the with

the presence, harassment and torture by the son and daughter-in-law.

This Court issues a strong warning to the son and daughter-in-law against misbehaving or even coming into contact with the petitioner.

The petitioner shall be entitled to live exclusively in the first floor of the premises and occupy some portion of the ground floor. The son and his wife shall use the remaining portion of the premises in the ground floor, and shall not contact or confront the petitioner in any way. They shall not come to the first floor or the roof of the home.

In the event of any further complaint from the petitioner against the son or daughter-in-law, the Nagerbazar Police Station shall make appropriate enquiry, and if necessary, take appropriate coercive measures against the son and daughter-in-law.

With the aforesaid observations, the instant writ petition shall stand disposed of without any further order.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)