

05.04.2023.  
Court No.13  
Item No. 10  
ap

**W.P.A. No. 4676 of 2022**  
**Manjushree Chatterjee**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Sandip Mandal.

...For the petitioner.

Mr. Rajdeep Bhattacharya.

...For the respondent nos.10 & 11.

The petitioner, who is staying in an old age home, wants to return to, and live in the flat standing in her name, at Naktala.

The petitioner was voluntarily staying in the old age home since her son, who is unmarried, travels frequently for work. The son is now posted back to Kolkata.

The petitioner complains that the occupiers of the flat, respondent nos. 10 and 11, have prevented her from entering into the said flat. The petitioner seeks writ order to enable her to return to her flat.

The private respondents/occupiers are represented.

It is submitted that Title Suit No. 820 of 2021 has been filed by them before the learned Civil Judge (Junior Division) 4<sup>th</sup> Court at Alipore and since pending. Injunction restraining the son of the petitioner from entering into the property has however been refused.

This Court is of the view that the instant proceeding has been engineered by the son to

unlawfully evict the private respondents and introduce the mother into the flat.

The petitioner mother has been set up to garner misplaced sympathy and mislead this Court. Sympathy for a senior citizen is sought to be abused by the petitioner.

In the above circumstance, without entering into the mutual rights of the petitioner and the private respondent nos.10 and 11 in the flat, the writ petition shall stand dismissed with costs assessed at Rs.10,000/- (Rupees Ten Thousand only) payable by the writ petitioner to the private respondent nos.10 and 11.

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.)***