

December 6, 2023
AD 1
Court No.14
SG

WPA 9303 of 2023

Kanta Devi Shaw
vs.
State of West Bengal and others

Mr. Sk. Toslim Ali
...for the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan
... for the State

Mr. Dyutiman Banerjee
Mr. Debanjan Ray
... for the private respondents

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the property in question. The respondent Nos.4 and 5 are her son and daughter-in-law. They had been disturbing the peaceful possession and enjoyment of such property by the petitioner. In fact, they had been torturing and trying her out from her own house. She was constrained to approach this Court earlier. By an order dated 28.11.2022 passed by a Coordinate Bench of this Court in WPA 8825 of 2022, the Officer-in-Charge of Golabari Police Station was directed to maintain peace and to ensure that the son took care of the mother. In spite of this order, the private respondents had been continuously disturbing the petitioner.

Learned advocate for the private respondents submits as follows. The allegations made in the writ

petition are denied. Although the property is in the name of the mother, funding was done by the father of the respondent No.4. Therefore, the respondent No.4 too has a right in the property. Besides, the private respondents are actually taking good care of the petitioner.

Learned advocate for the State relies on the report and submits as follows. There have been cases and counter-cases between the parties. In view of the earlier order passed by this Court, the police authorities are keeping a sharp vigil at the locale.

Admittedly, the petitioner is the owner of the property in question. Therefore, there is no question of ousting her from the same.

The local police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and ensure that the private respondents comply with the earlier order dated 28.11.2022 passed by this Court.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

