

19.06.2023.
Court No.13
Item No. 9
ap

W.P.A. No. 9524 of 2023

**Smt. Anima Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Amitabha Ghosh.

...For the petitioner.

Mr. Sourav Moindal.

...For the respondent nos.5 & 6.

1. Affidavit-of-service filed in Court today be taken on record.
2. Counsel for the petitioner complains that the private respondent no.5/son, namely, Sankar Ghosh is torturing her as well as her husband.
3. The private respondent no.5/son is stated to have appropriated a joint Fixed Deposit Account in which he was included as an Account Holder only for the purpose of convenience.
4. The private respondents are represented. It is submitted that the entire litigation has been engineered at the instance of the petitioner's daughter, Sova Ghosh. The daughter is stated to have taken custody of the mother.
5. There is admittedly a gift deed executed by the husband of the petitioner in favour of Sankar Ghosh.
6. There are rival contentions being raised as to who is the better child. Wild and reckless allegations are being made by the son and daughter against one and another.

7. This Court is of the view that the parties may establish their rights before an appropriate Civil Court. Girish Park Police Station shall ensure that both the son Sankar Ghosh as well as the daughter, namely, Sova Ghosh have access to the father, namely, Amiya Kumar Ghosh and the mother Anima Ghosh.

8. For the aforesaid purpose, Girish Park Police Station shall conduct independent enquiries, with the petitioner and her husband, as to whether they are comfortable living with the daughter or have any grievance against the private respondent no.5/son, namely, Sankar Ghosh.

9. The private respondent no.5/son, namely, Sankar Ghosh and his wife undertake before this Court to take good care of the parents in the event they come and live in the gifted property.

10. The daughter of the petitioner, namely, Sova Ghosh, is present in Court and submits through her Counsel that she is not interested in the property of the parents gifted to the private respondent no.5 and she is only interested in the welfare of the parents.

11. Girish Park Police Station may take appropriate steps in accordance with law. The police shall ensure that the senior citizens are taken care of and may depute any Officer to enquire of the well-being of the petitioner and the husband from time to time.

12. The private respondent no.5, who is also present in Court, submits that he has not driven his parents out of the house.

13. On the prayers and submissions made by the private respondents, namely, Sankar Ghosh and Ishita Ghosh, FIR No. 69 of 2023 dated 26th April, 2023 shall stand quashed and set aside in its entirety.

14. Sova Ghosh and her husband, Subhasis Sen shall only visit their parents and shall not create any disturbance whatsoever in the household where the brother resides and shall take care of her parents.

15. With the aforesaid directions, the instant writ petition shall stand disposed of.

16. There will be no order as to costs.

17. 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.)