

224 30.08.2023
NB Ct. 14

WPA 10665 of 2023

Bela Rani Das
Vs.
The State of West Bengal & Ors.

Mr. Tapas Kumar Majumder.
...for the petitioner.

Mr. Sanatan Kr. Mitra,
Mr. Amartya Pal.
....for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. The respondents are her son and daughter in law. They reside at the third floor of the building. Sometime after marriage, the private respondents started torturing the petitioner and harassing her to gift the property to them. This is in spite of the fact that the private respondents have themselves purchased a flat somewhere else. There are medical reports to substantiate the kind of assault the private respondents committed on the petitioner. Police help in this regard was sought, but in vain.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. All the complaints made by the petitioner have been acted upon by the police. Several FIRs have been registered, which are being investigated into. However, there is a family dispute in which the police can hardly interfere. The police are nevertheless keeping a strict vigil in the locality.

A son and a daughter in law stay as licensees in a property belonging to a parent. Therefore, the petitioner shall be at liberty to file appropriate proceeding before the Civil Court to evict the private respondents.

So far as the complaints made by the petitioner with the police are concerned, it appears that the police authorities have taken appropriate steps. FIRs were registered. The same are being investigated into.

If any further untoward incident takes place, the petitioner shall be at liberty to inform the police, which shall be acted upon by the police in accordance with law. Even afterwards the police shall keep a vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)