

225 30.08.2023
NB Ct. 14

WPA 10980 of 2023

Shyamali Adhikari
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Pal.
...for the petitioner.

Mr. Wasim Ahmed,
Sk. Md. Masud.
....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an aged lady and a co-sharer in the property where she lived. The respondent no.7 is the petitioner's son and respondent no.8 is her daughter in law. The respondent nos.9 and 10 are two neighbours. After the demise of the petitioner's husband, the property devolved upon the petitioner and her sons and daughters. The son being the respondent no.7 got married in 2018, after which the couple started torturing the petitioner. The prime objective was to grab the entire property. The respondent nos.9 and 10 were giving instigation and assistance in this. The daughter in law, in fact, filed a false and collusive case under Section 498A of the Penal Code, where the husband was not made an accused. The

petitioner was constrained to file an application under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Sub-Divisional Officer, Uluberia, Howrah. An order was passed directing the respondents to take care of the mother. Subsequently, the petitioner was assaulted and thrown out of the residential house. She had to take refuge at her daughter's place. Upon a complaint made before the Inspector-in-Charge, Bagnan, an assurance was given by the police of helping so that the petitioner can go back to her residence. She sought this at the time of elections, but was again abused, threatened and thrown out of the house by the private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, the police have acted promptly. Necessary GD Entries were lodged. On her complaint, two FIRs being Bagnan Police Station 211 dated 29.04.2022 and 177 dated 07.05.2023 were registered. The same are being investigated into.

It appears that the petitioner is a co-owner of the property in question. She was residing in the said property till she was forcibly ousted by the private respondents. At this age, the petitioner should not be relegated to the civil Court to seek remedy.

Let the petitioner intimate the Officer-in-Charge, Bagnan Police Station about the date and time of her proposed return to her residential with a 24 hours' notice. The Officer-in-Charge shall provide necessary and adequate police help and escort, so that she can enter her own residential house. Even after

that, the police shall keep a strict 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.)