

WPA 11613 of 2023

Sarama Ghosh

-vs-

The State of West Bengal & ors.

Ms. Rinki Saha

....for the petitioner

Mr. Keshab Chandra Das

Mr. Biplab Adak

...for the respondent no.6

Mr. Asim Kr. Ganguli

Mr. Subrata Das Gupta

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother of the respondent no.6. The petitioner used to own the property. However, she gifted the property to her grandson from another daughter. The respondent no.6 had been torturing the petitioner in order to grab the property, failing which he has, in fact, ousted the present petitioner from the said property. The petitioner seeks action against the unlawful acts of the respondent no.6 and some police protection so that she can go back to her residence.

Learned counsel appearing on behalf of the private respondent submits as follows. The grandson of the petitioner at her behest has filed a civil suit to evict the respondent no.6 from the said property. The allegations

made in the writ petition that the respondent no.6 is ousted the petitioner from the property is absolutely false. The private respondent is a co-owner of the land.

Learned counsel appearing on behalf of the State relies on the report, which is taken on record, and submits as follows. This is purely a civil dispute between the family members. A suit has been filed by the grandson of the petitioner to evict the respondent no.6. So far as the allegations made by the petitioner are concerned, a proceeding has been initiated under Section 107 of the Code. Earlier, an FIR was also registered being Pursurah Police Station Case No. 264 of 2019 dated 21.11.2019 and charge-sheet was submitted in the year 2019 itself.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that there is a civil dispute between the parties.

The police authorities have also taken adequate steps by instituting a proceeding under Section 107 of the Code and by registering an FIR and thereafter filing a charge-sheet.

However, since the purported donee of the property i.e., the grandson has not initiated any process to evict the present petitioner from the property who was the donour, and it is alleged that the respondent no.6 has ousted her from the property, she may not be relegated to the Civil

Court for obtaining a relief for returning to the said residence.

If the petitioner wants to go back to her residence, she shall intimate the Officer-in-Charge of the Pursurah Police Station about the same with a 24 hours' notice and the police authorities shall make police arrangements so that she can return her own residence.

Any effort by any of the parties to evict the other shall be made in accordance with law before a competent Civil Court.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)