

October 13, 2023
AD 403
Court No.14
SG

WPA 12173 of 2023

Bharati Basu and another
vs.
State of West Bengal and others

Mr. Soujanya Bandopadhyay
... for the petitioners

Mr. Somnath Ganguly
Mr. R. Banerjee
... for the State

Mr. Soumajit Chatterjee
... for the respondent Nos.4 & 5

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioners submits as follows. The petitioner No.1 is the mother of the respondent No.4 and the mother-in-law of the respondent No.5. The petitioner No.2 is a married daughter of the petitioner No.1. All the private parties are co-sharers in the property in question. The petitioner No.2 is the care-giver of the petitioner No.1. However, the respondent Nos.4 and 5 have been disturbing the peaceful possession of the petitioners in respect of their shares in the property. They had been threatening and intimidating the petitioners. They ousted the petitioners from such property. Police help was sought, but not provided.

Learned advocate for the private respondents submits as follows. The allegations made in the writ petition are denied. It was out of her volition that the petitioner No.1 had decided to go away and stay with her

married daughter. If the petitioners want to return home, the private respondents would never object. The petitioners want partition of the property in respect of which a caveat was filed by the respondent No.4. If the petitioner No.2 came to the said house, then she should be asked not to create any ruckus. In fact, the respondent No.4 had been paying a hefty sum for the maintenance of his mother.

Learned advocate for the petitioners disputes the above submissions.

Learned advocate for the State relies on the report and submits that there is a family dispute going on between the private parties. The police are keeping a close watch in the locality.

It appears that the private parties are the co-sharers in the property in question. It is also claimed by the private respondents that they had no objection to the petitioners' returning to the said property.

Therefore, if the petitioners want to return to such property, they shall intimate the date and time of return to the Officer-in-Charge of Beliaghata Police Station with a twenty-four hours' notice. The Officer-in-Charge shall depute police personnel to escort the petitioners to their home. The entry of the petitioners to their residence shall be videographed.

If any of the private respondents want to claim any further right in respect of the property in question, the same has to be done before a competent civil court.

However, the police shall keep a strict vigil at the locale and ensure that no breach of peace takes place.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

With the aforesaid 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.)