

549 06.12.2023
NB Ct. 14

WPA 14364 of 2023

Ameena Bibi
Vs.
The State of West Bengal & Ors.

Mr. Dipanjan Chatterjee,
Mr. Sutanuka Chowdhury.
..for the petitioner.

Mr. Suman Ghosh,
Ms. Munmun Tewary.
...for the State.

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

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 the owner of the property in question. She is the mother in law of the respondent no.8 while the respondent nos.5, 6 and 7 are the brothers of the respondent no.8. The son of the petitioner had deserted the family. After this and taking advantage of the same, the private respondents had been disturbing the possession and enjoyment of the property by the petitioner. They tortured her and finally ousted her from her own residence. She has to stay at her brother's house.

Learned counsel appearing on behalf of the State relies on a further report and submits that as on 24.07.2023, the petitioner, her son and her daughter in law were all living in the same house. Pursuant to the complaints made by the petitioner,

an FIR was lodged. Charge sheet was also submitted. However, there are complaints and counter complaints made by the adverse sides.

Since the petitioner is the owner of the property in question, she cannot be deprived from residing in the same whatever be the dispute between the private parties.

At this advance stage, the petitioner cannot be relegated to the civil Court to obtain necessary relief.

Let the petitioner intimate the exact date and time of intended return to the Officer-in-Charge, Bhangore Police Station with a 24 hours' notice. Thereafter, the concerned police authorities shall arrange for necessary police escort so that the petitioner can return to her own residence. The entry of the petitioner to her own residence shall be videographed.

Even otherwise, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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.)