

20.07.2023
Item No.38
BR

WPA 16773 of 2023

Parul Rani Pattanayak
-vs
State of West Bengal & Ors.

Mr. Soumyajit Mukherjee
.... For the petitioner

Mr. Ashim Kumar Ganguly,
Sk.Md. Masud
.... For the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents to evict the petitioner from the premises and to start an investigation into the complaints lodged by the petitioner.

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

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is mother of the private respondent no. 7 and the private respondent no. 8 is her daughter-in-law. The petitioner is owner of the house in question. Her son and daughter tortured her physically and mentally. She was forced to execute a gift deed of the property in favour of the private respondents on false promise and assurances. Thereafter, she was

constrained to approach the Tribunal to have the gift deed cancelled. She has lodged several complaints before the police authorities about the torture inflicted by the private respondent. But, no effective step has been taken by the police authorities.

Learnd counsel appearing on behalf of the State relies on the report and submits as follows . An FIR has already been registered being Eco Park case No. 82 dated 10.4.2022 on a complaint made by the present petitioner. In fact, after investigation a charge sheet being Charge sheet No. 75 dated 29.4.2022 has been filed against the private respondents. The police are keeping a sharp vigil at the locality.

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

It appears that the prime grievance of the petitioner that no action was taken on the complaint filed by her has been redressed. A FIR was lodged and a charge sheet has been submitted.

If the petitioner wishes to have the private respondents evicted from the premises she can approach the learned Civil Court.

At the present, this Court does not think that any further order need be passed in this writ petition.

However, the police authorities shall keep a strict vigil at the locale and ensure that no harm is done to the present petitioner.

With these directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Jay Sengupta, J.)