

09.08.2023
rc/ct.no.14
Item No.17

WPA No. 17056 of 2023
Smt. Rama Dhar
Versus
The State of West Bengal & Ors.

Adv. Tulsidas Ray
Adv. Tapan Ray
Adv. Tirthankar Ray ...for the petitioner

Adv. Sk. Md. Galib
Adv. Gourav Das ...for the State

Adv. Apalak Basu
Adv. Nazir Ahmed ...for the respondent no.5

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take appropriate steps so that the petitioner can enter into her own house and stay there.

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

Report filed by the State-respondents is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is 76 years old lady owning a property. The respondent nos. 4 and 5 are her son and daughter in law, respectively. The respondents no. 4 and 5 have been torturing the petitioner physically and mentally and finally, they ousted the petitioner from her own residence in the year 2022. She was constrained to reside at a tenanted house. She filed a complaint before the police station for which no action was taken.

Learned counsel appearing on behalf of the respondents no. 5 denies the allegation made in the writ petition. He submits that the petitioner can very well come back to her own home and stay there and the respondent nos. 4 and 5 shall not create any trouble to her.

Learned counsel appearing on behalf of the State-respondents relies on the report and submits as follows. Pursuant to the complaint of the petitioner, the concerned police station started investigation and a charge sheet has been submitted in respect of the FIR registered at the behest of the petitioner. A proceedings under Section 107 of the Code has also been initiated in this regard against the respondent nos. 4 and 5. Police are keeping a sharp vigil.

I have heard the learned counsel appearing on behalf of the parties and have perused the writ petition and the report filed by the State-respondents.

It appears that the petitioner is the owner of the property in question. Her allegation is that she was tortured and driven out by her son and daughter-in-law.

The son and daughter-in-law now contend that the petitioner can fairly return to her home and stay there and they are not causing any disturbance to the petitioner.

Therefore, let the petitioner return to her own residence within a week from this day. The date and time

of return shall be intimated to the Officer-in-Charge, Sinthi Police Station so that he can depute police personnel who would be present at the time of return of the petitioner to her home.

Since a charge sheet has already been submitted on the complaint filed by the petitioner, no further order need be passed in this regard.

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

With the above observations and directions, this writ petition being WPA No. 17056 of 2023 is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Jay Sengupta,J)