

19 02.08.2023
NB Ct. 14

WPA 17759 of 2023

Jolly Kundu
Vs.
The State of West Bengal & Ors.

Mr. Suchindram Bhattacharjee.
...for the petitioner.

Mr. Asish Guha,
Ms. Debleena Dasgupta.
....for the State.

Mr. Soumyajit Das Mahapatra,
Mr. Somnath Adhikary,
Ms. Madhurai Sinha.
...for the respondent no.4.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to start an investigation against the private respondent for the crimes he committed that were unbecoming of a government employee and submit a report regarding the complaint dated 04.07.2023.

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 mother of the private respondent no.4. Although the property in question belongs to the present petitioner, the private respondent is not allowing the petitioner to enter into her own property.

Learned counsel appearing on behalf of the private respondents submits as follows. The petitioner is acting at the

behest of her daughter. The private respondent has no problem and has not caused any hindrance to the petitioner from entering into the said property. If the petitioner wishes to enter into her property and stay there, the private respondent has no objection whatsoever.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. This is a dispute between the family members. According to the State, the petitioner left the house in 2022 and in the year 2023, she submitted such petition against her son for allegedly torturing her.

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

Although the petitioner contends that the petitioner had left the property in question in 2021 and is making allegations against the private respondent in 2023, it is an admitted fact that she is the owner of the property in question.

If the petitioner wants to enter into her own property, nobody can have any objection. In fact, the private respondent also submits that he does not have any objection and will not cause any hindrance if the petitioner wants to enter into the property.

Therefore, the writ petition is disposed of with the direction upon the respondent police authorities that in the event the petitioner wants to enter her own property and stay there upon notice to the local police, necessary police protection would be rendered to her for such return and

thereafter, the police shall keep a sharp vigil so that no breach of peace takes place at the locale.

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

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)