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01.09.2023
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Ct 14

WPA 18954 of 2023

Sreemati Adhikari (Das)

-vs-

The State of West Bengal & ors.

Mr. Golam Mastafa

Mr. Arshad Hussain

....for the petitioner

Mr. Francis Samson Correa

Mr. Sunny Nandy

Ms. Sneha Singh

...for the respondent nos. 5 to 7

Mr. Suman Sengupta

Mr. Sanatan Panja

...for the State

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

A copy of the scheme for management of the debottar property, as filed on behalf of the respondent nos. 5, 6 and 7, is also taken on record.

Learned counsel for the State files a report, which is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's sister was residing in a room at a property managed by a trust. After she passed away, the private respondents put a padlock on the door and prevented the present petitioner from entering into and taking the valuable articles belonging to the petitioner's sister which now belonged to the petitioner. Police help sought, but was denied.

Learned counsel appearing on behalf of the private respondents submits as follows. According to the scheme of the debottar trust, no female member is to reside at the particular property. The petitioner's sister was allowed to stay as a licensee on compassionate ground. The present petitioner does not have any right to enter into such property. It is disputed that any of the petitioner's sister's belongings lie in the room.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There are as many as three civil suits pending regarding management of the property. The petitioner, if aggrieved, can fairly make an appropriate claim before the Civil Court.

It appears that the petitioner's sister was allowed to stay at a property managed by the Trust on compassionate ground. The petitioner, as such, does not have any right to enter or stay at the said property.

If the petitioner is aggrieved at all on the score that some property belonging to the petitioner's sister remained inside the locked room, she shall be at liberty to make appropriate prayer before the Civil Court.

It is also pertinent to note that already there are three suits pending regarding management of the Trust.

Therefore, no further order need be passed in this matter.

Accordingly, the writ petition is disposed of without any costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)