

22 06.09.2023
NB Ct. 14

WPA 19381 of 2023

Kamala Sardar
Vs.
The State of West Bengal & Ors.

Mr. Sarthak Burman.
...for the petitioner.

Mr. Ashim Kr. Ganguly, Sr. Adv.,
Mr. Tarak Karan.
....for the State.

Mr. Gobinda Chandra Baidya,
Mr. Gobinda Baidya.
...for the respondent nos.5 & 6.

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 land in question. The respondent no.5 is her son and the respondent no.6, her daughter in law. For some time the private respondents have been torturing the petitioner. In fact, their men and agents had assaulted the petitioner on one occasion. The private respondents want to grab the property that belongs to the petitioner. The petitioner is seeking police protection in this regard.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. When the respondent no.5 was a minor, his father kept a sum of Rs.4,00,000/- for him, which was

subsequently defalcated by the petitioner. The private respondents had been residing in the property for a very long time and have not inflicted any torture upon the petitioner. Incidentally, the petitioner had got married again.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, a specific FIR being Basanti PS Case No.700 of 2023 dated 20.08.2023 under Sections 447, 323, 325, 379, 506 and 34 of the Penal Code and 24 and 25 of the Senior Citizen Welfare and Maintenance Act, 2007 has been registered. The police are keeping a close watch on the situation.

It appears that a property dispute exists between the private respondents. However, admittedly, the petitioner is the owner of the plot of land in question.

If the petitioner is the owner of the land in question then the respondent nos.5 and 6 would be staying at the place only as licensees.

Let the police authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place and no harm is done to the petitioner.

In the event, any untoward incident takes place or is apprehended, the petitioner shall be at liberty to intimate the Officer-in-Charge of the local police station who shall take steps in accordance with law.

Since affidavits were not called for, the 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.)