

11 20.09.2023
NB Ct. 14

WPA 19444 of 2023

Kajal Shaw & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pratip Mukherjee,
Ms. Chaitali Mukherjee,
Mr. Debottam Das.
...for the petitioners.

Mr. Somnath Ganguli Id. AGP.,
Ms. Priyamvada Singh.
...for the State.

Report filed on behalf of the State about intimation of the instant proceedings to the private respondents, as filed in Court, is taken on record.

It appears that all the respondents have duly been intimated by the State agencies. Yet, they have chosen not to be represented here.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the parents in law to the respondent no.4 while the respondent nos.5 and 6 are the relatives of the respondent no.4. The petitioner no.1 is the owner of the property in question out of which a small portion was gifted to another son. The respondent no.4 is employed with the BSF and is an influential person. She now wants that the entire property to be gifted to her and her husband. The present petitioners have been ousted from their dwelling house by the men and agents of the private respondent no.4. It is

pertinent to mention that earlier false cases had been started against the petitioners where the younger son had colluded with his wife, the respondent no.4.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Whatever right the respondent no.4 might have to reside in the matrimonial home and regardless of whether any such order has been passed by a Court of law or not, neither the private respondents nor the husband of the private respondent no.4 has any right to prevent the petitioners from entering into and staying at their own residential house. It appears that gift of a portion of the property to another son has added fuel to the fire.

This is not a fit case to relegate the aged parents to seek relief before a civil Court to enter into their own house.

In view of the above, let the petitioners intimate the Officer-in-Charge, Bhatpara Police Station about their intended date and time of return to their residential house with a 24 hours' notice. Upon receiving such communication, the Officer-in-Charge, Bhatpara Police Station shall make adequate police arrangements so that the petitioners can be escorted back to their own dwelling house. The entry into their dwelling house shall be videographed.

Even, thereafter, the local police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioners, the petitioners shall be at

liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

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.)