

26 08.09.2023
NB Ct. 14

WPA 19577 of 2023
Jyotsna Raha
Vs.
The State of West Bengal & Ors.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.
...for the petitioner.

Mr. Amal Kr. Sen,
Mr. Jaladhi Das.
....for the State.

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

Despite service, no one appears on behalf of the private respondents.

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 a 73 years old lady. The husband of the petitioner was the owner of the property in question, which is now in a dilapidated stage. It requires repairs. That is why the petitioner has engaged workers whom the private respondents are preventing from entering into the premises. The private respondents are the son and daughters of the petitioner.

Upon query of the Court, the petitioner admits that she is now living with his son elsewhere.

Learned counsel appearing on behalf of the State submits as follows. The petitioner has already filed an

application under Section 144 of the Code. Police are keeping a strict vigil in terms of such order.

It appears that the petitioner is a co-sharer in the property along with his sons and daughters.

It is purely a dispute between the family members whether repairing works would be done and in such event whether the consent of all co-sharers would be required or not.

However, the petitioner shall be at liberty to bring this to the notice of the municipal authorities to consider if the building is actually in such a precarious condition as to cause harm to others.

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

However, police shall keep a close watch on the situation and ensure that no breach of peace takes place.

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.)