

40 08.09.2023
NB Ct. 14

WPA 19741 of 2023

Nepali Murmu
Vs.
The State of West Bengal & Ors.

Mr. Ziaul Haque,
Mr. H. K. Mahata.
...for the petitioner.

Mr. Sk. Md. Galib,
Mr. Abu Siddique Mallik.
....for the State.

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

It appears that the private respondents could not be served with notice.

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 widow. The private respondents are her in laws who are now trying to oust her from their house so as to deprive her of any share in her husband's property. Complaints were made before the police but were not acted upon. The ingress and egress of the petitioner has also been obstructed.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, steps have already been taken. A specific FIR being Pandua Police Station Case No.448 of 2023 dated 21.08.2023 under Sections 448, 323, 325, 354B, 379, 504, 506 and 34 of

the Penal Code has been started. A proceeding has also been initiated under Section 107 of the Code.

The private respondents do not have any right to oust the petitioner from her in laws place simply because her husband died, far or less deprive her from her share in her husband's property.

However, it seems that the police have already acted on the complaint made by the petitioner. A subsequent FIR has been registered and is being investigated into. The proceeding was also initiated under Section 107 of the Code.

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

However, the police authorities shall ensure that no breach of peace takes place in the locality.

If any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to inform the Officer-in-Charge of the local police station who shall then act 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.)

