

26 05.10.2023
NB Ct. 14

WPA 21576 of 2023

Mandira Saha
Vs.
The State of West Bengal & Ors.

Mr. Ayan Poddar,
Mr. Sourjya Das,
Ms. Poulami Bhowmick,
Ms. Suparna Roy Das.
...for the petitioner.

Mr. Noelle Banerjee,
Ms. Debleena Dasgupta.
...for the State.

Ms. Dipta Dipale Banerjee,
Mr. Joydeep Chatterjee.
...for the private respondent.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother in law of the respondent no.5. In 2016, the petitioner's son passed away and in 2022 she lost her husband. After that, both the private parties had been staying in the same flat at Nagerbazar that was purchased jointly by the petitioner and her husband (since deceased). On 26.05.2023, the petitioner left the said residence for her relative's place. On 29.06.2023 when she returned back, the private respondent did not allow her to enter the flat. The private respondent is trying to grab the property illegally.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the

writ petition are denied. The petitioner has never objected and will not object to the petitioner's coming back home.

Learned counsel appearing on behalf of the State submits that the police authorities shall keep a close watch in the locality.

It appears that the private respondent has allayed the apprehension of the petitioner that she won't be allowed to return to her own apartment. She has submitted through her learned counsel that she would not object to the petitioner coming back to the said flat.

In view of the above, let the petitioner intimate the Officer-in-Charge of the Nagerbazar Police Station about the intended date and time of return of the petitioner to the said apartment with a 24 hours' notice. The Officer shall take necessary measures so that police escort can be provided to the petitioner so that she can return back to her flat in question. The entry of the petitioner into her flat shall be videographed.

Even, otherwise, the police authorities shall maintain a strict vigil at the locale 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.)