

October 10, 2023
AD 67
Ct. No.14
SG

WPA 21990 of 2023

Anjali Mondal
vs
State of West Bengal and others

Mr. Ashim Ghosal
... for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
... for the State

Mr. Sambhu Nath Sardar
... for the respondent Nos.4 and 5

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

Supplementary affidavit filed by the petitioner is also taken on record. Copies of the same have been handed over to other side.

Learned advocate for the petitioner submits as follows. The petitioner is a senior citizen. Her husband is a cancer patient and is aged about 86 years. Taking advantage of the fact that the private respondents are relations of the petitioner, they had deposited a sum of Rs.10 lakhs as purported part consideration for conveyance of the property. The petitioner never wanted to sell the same. The petitioner is ready to return the money. A civil suit is pending in this regard. By an order dated 12.07.2023 passed by the learned Civil Judge, Sr. Div., First Court, Baruipur in TS No.429 of 2023, the defendant No.1 was directed not to transfer, encumber or

create any third party interest in respect of the said property. The plaintiff happened to be the present petitioner. The private respondents engaged unknown others to disturb the petitioner's peaceful possession of the property. In fact, they have put a padlock at the gate of the main entrance of the property restraining their movements.

Learned advocate for the respondent Nos.4 and 5 submits as follows. The allegations made in the writ petition are denied. The petitioner had actually sold the property to the private respondents by registering a sale deed, but they are now not willing to part with the possession. There are other proceedings initiated by the private respondents and also there is a civil suit pending. The private respondents have been taken electricity connection in their names.

Learned advocate for the State relies on the report and submits as follows. There are cases and counter-cases pending between the private parties in respect of the said property. There is a civil suit pending. The police are keeping a close watch in the locality.

Forcibly putting a padlock at the gate of the main entrance is not a legal means of either taking possession or evicting someone. This is an out and out mischief and should not be encouraged. None of the parties shall indulge in the same, except as per law.

No padlock can be put at the gate of the main entrance at the exclusion of the other users of the building/property.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]