

50 23.11.2023
NB Ct. 14

WPA 22780 of 2023

Saraju Bala Sarkar
Vs.
The State of West Bengal & Ors.

Ms. Devi Priya Mitra.
...for the petitioner.

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed.
...for the State.

Mr. Tarak Karan.
...for the private respondent no.4

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

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 of an erstwhile owner of the property in question. After the demise of her husband, the property devolved upon her and three of their children. The private respondent no.4 is the daughter in law. The son is not staying at the property. She had been torturing the petitioner and has now ousted her from her own residence. This was brought to the notice of the police authorities, but no help was rendered.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. There is matrimonial dispute between the private respondent and her husband. The daughter is staying at

the property with her son. The other co-sharers of the property are actually trying to oust her. She had never tried to oust the petitioner from such property. The petitioner most often was voluntarily staying outside such property at her son's flat.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The dispute is primarily civil in nature. However, on an earlier complaint filed in 2017, an FIR was registered. Subsequently, a charge sheet was also filed.

It appears that the petitioner is one of the co-sharers of the property in question. She does have a right to reside at the said property.

At this advanced age, the petitioner should not be relegated to the civil Court to obtain a relief to stay at her own property.

In view of the above, let the petitioner intimate the exact date and time of intended return to the said property to the Officer-in-Charge of the Jagaddal Police Station, North 24-Parganas with a 24 hours' notice. Thereafter, the police authorities shall arrange for necessary police escort so that the petitioner can return to her own residence.

The return of the petitioner back home shall be videographed.

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

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.)