

11.01.2023
Court No.13
Item No.19
AP

WPA 23528 of 2022

**Manju Khatri
Vs.
The State of West Bengal and Ors.**

Mr. Bikram Banerjee
Mr. Arka Nandi
Ms. Dipa Acharyya
Ms. Shalini Ghosh

... For the Petitioner.

Mr. Debabrata Sen
Mr. Arup Kumar Roychowdhury

... For the Respondent Nos.6, 7 & 9.

Affidavit of service filed in Court today is taken on record.

The petitioner claims that she has been tortured by her husband, daughters and sons-in-law and has been compelled to leave the house. She further complains that the house is standing in her name. She complains that the husband and daughters are forcing her to sign documents to transfer the house in their name.

Avijit Sanyal, Legal Officer, Barrackpore Police Commissionerate submits a report dated 21st November, 2022 issued by the Inspector-in-Charge, Nimta Police Station, Barrackpore Police Commissionerate and the same is taken on record.

It appears from the report that on the complaint of the petitioner FIR has been registered against the private respondents, who are on bail and charge sheet No. 423 of 2022 dated 31st August, 2022 under Sections 498A/341/323/506/34 of the IPC has been filed. Indeed,

there is prima facie evidence before this Court of misconduct by the private respondents against the petitioner.

Counsel for the private respondents submits that the land in question might belong to the petitioner but the house thereat was constructed out of the funds of the daughters.

Counsel for the petitioner vehemently denies that the house was constructed out of the funds of the daughters. It is submitted that the petitioner constructed the house after selling the properties standing in the name of her father.

These are disputed questions that cannot be gone into by the writ court. The parties may take out appropriate civil proceedings in this regard.

It is, however, ordered that the writ petitioner shall not be compelled to sign any documents in the absence of her free will and without being witnessed by the Officer-in-Charge, Nimta Police Station.

Nimta Police also submits that repeated requests were made to the petitioner to return to her house and assistance was also offered.

In the above circumstances, the writ petitioner may return to her house and live in a separate room thereat. She shall be escorted into her house on 14th January, 2023 (Saturday) at 11 am, when she shall report to the Nimta Police Station for the purpose.

The police shall maintain regular vigil over the property and ensure that the petitioner is able to live there in peace.

The private respondents have undertaken before this Court that they shall not in any way disturb or interfere with the peaceful living of the petitioner. The private respondents shall provide all means for up keep and wellbeing of the writ petitioner including food, clothing and medication. Nimta Police shall enforce the above order.

This Court appreciates the proactive role of the Nimta Police in this matter.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)