

13.06.2023.
Court No.13
Item No. 235
pk

W.P.A. No. 25381 of 2022
Nityananda Pal and others
Versus
State of West Bengal and others

Ms. Dalia Ray,
Mr. Swadhin Pan

...For the petitioners.

Mr. Jyoti Prakash Chatterjee,
Mr. Debottam Das,
Mr. D. Das

... For the respondent no. 5.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas

... For the State.

1. The petitioners complain of torture and harassment by the daughter-in-law/respondent no. 5. The petitioner nos. 1 and 2 have gifted their property to their married daughter/petitioner no. 3.
2. The husband of the respondent no. 5 died in February, 2022. Since then the respondent no. 5, who ekes out of living by giving private tuition, has been residing in the said premises and as she was during lifetime of her husband.
3. The Police on the complaint of the petitioners have registered FIR and filed Charge Sheet.
4. The private respondent no. 5 is admittedly has no other place to live or source of income. She is bringing up two little children.

5. The prayer of the petitioners to direct eviction of the respondent no. 5 cannot be maintained either before the Police or the Writ Court.

6. The petitioners may take out appropriate civil proceedings in accordance with law. Likewise, the private respondent may also seek a right to residence in the common household under the provisions of the PWDV Act, 2005.

7. This Court has no hesitation to find that the petitioner no. 3 has set up the petitioner nos. 1 and 2 to garner undue sympathy.

8. The report of the Police is taken on record.

9. The writ petition is disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)