

W.P.A. 24927 of 2023
Sm. Sandhya Maity
Vs.
State of West Bengal & Ors.

Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sabyasachi Mondal
Mr. Sayan Mukherjee
Mr. Payel Khanra ... for the petitioner

Mr. Amitesh Banerjee
Mr. Suddhadev Adak ... for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a seventy three years old lady of frail health. After her husband passed away she had been living at her property alone. In 2019, the private respondent no. 6 being her nephew approached her for a few months' stay due to some difficulty that he was having at his own place. Thinking that this might actually help her in obtaining medicines and other articles from nearby shops he was permitted to stay for sometime. But the private respondent started misbehaving with the petitioner and pressurizing her to convey the property to him. The petitioner requested him to vacate the premises on the ground that because of his presence her daughters could not come to visit her and stay. But he did not listen. On one occasion the private respondent came with some other miscreants, threatened and assaulted the petitioner. The petitioner somehow resisted executing any document in there favour. Thereafter, the private respondent and his men forcibly ousted her from her own property. Police help was sought, but was not provided.

Learned counsel appearing on behalf of the State submits that the petitioner has indeed made a complaint before the local police station in this regard. The police are keeping a close watch on the developments in the locality.

It appears that the petitioner is the owner of the property in question. No one, not even a relation of the petitioner, has the right to oust her from her own property. Throwing out a person forcibly from her property or for that matter putting a padlock on the gate are only mischievous acts by which possession cannot be taken.

At this advance age, the petitioner cannot be relegated to the Civil Court to obtain a relief.

Therefore, let the petitioner intimate the Officer-In-Charge, Nandakumar Police Station about her intended date and time of return with at 24 hours' notice. Thereafter, the officer shall arrange for necessary police personnel to escort the petitioner to her residence. Her entry to her own residence should be videographed. Even otherwise, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to call up the officer-in-charge of the local police station and inform him about the same who then shall act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(JAY SENGUPTA, J.)

