

11.01.2023.
Court No.13
Item No.21
pk

W.P.A. No. 26120 of 2022

**Usha Das and another
Versus
The State of West Bengal & Ors.**

Mr. Neil Basu,
Mr. Rahul Kumar Singh,
Mr. Sankha Biswas,
Mr. R. Mondal

...For the petitioners.

Mr. Debrup Bhattacharjee
... For the respondent nos. 8 and 9.

The writ petitioner no. 2 has died during the pendency of the writ petition. The name of the petitioner no. 2 shall be struck off from the records of this case.

The writ petitioners have gifted the entire property to their two daughters. It is alleged that the son has forcefully entered into the property and has thrown the petitioner no.1 out of the house-in-question.

Counsel for the son and daughter-in-law submits that the daughters of the petitioners have assaulted them. It is submitted that an FIR has been registered on their complaint against the daughters. Son and daughter-in-law have absolutely no objection in receiving the petitioner no. 1 into the residence-in-question and undertake to take care of the mother/writ petitioner no. 1.

In view of the above, the petitioner may return to the residence where the son is staying, which has been gifted to the daughters. The daughters shall be entitled to visit the mother/writ petitioner no. 1.

The son and daughter-in-law claim that the property standing on the land gifted to the daughters, has been built out of their funds (son and daughter-in-law).

These are disputed questions of facts that cannot be gone into by the writ Court.

The private respondents/son and daughter-in-law shall not harm the petitioner in any way and will take care of her needs including food, clothes and medicine. The mother shall be accommodated in an independent room with access to privy.

The civil disputes between the son and daughter-in-law on the one hand and the daughters of the petitioners on the other hand, may be agitated before an appropriate civil forum. The petitioner no. 1 may also take out appropriate proceedings in accordance with law with regard to the gifted property if so advised.

The O. C., Canning Police Station shall implement this order and shall attend to any genuine complaint made by the writ petitioner no. 1.

The writ petition is disposed of.

There will be no order as to costs.

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.)