

31.01.2023
Court No.13
Item No.6
pk

WPA 26633 of 2022

**Smt. Sabita Roy
Vs.
The State of West Bengal and Ors.**

Mr. Amar Nath Sen,
Mr. Malay Dhar,
Mr. Pranab Kumar Ghosh,
Mr. Amit Bikram Mahata

... For the petitioner.

Mr. Dipanjan Datta,
Ms. Rituparna Saha,
Ms. Tanusree Bag.
Ms. Manali Sarkar

... For the respondent no. 8.

The O. C., Thakurpukur Police Station has submitted a report, which is taken on record.

The petitioner is living on the first floor of the residence along with her son and daughter. The respondent no. 8 is living on the ground floor. While it is true that the children may have an equal right in the mother's property, the mother equally has the right to decide to whom she would pass on the property or with whom she is comfortable to live. The respondent no. 8, elder son does not enjoy the confidence of the writ petitioner/mother.

It further appears that the respondent no. 8 has government accommodation available with the 3rd Battalion, Barrackpore Police Commissionerate, which he has not availed. The respondent no. 8 may apply for such accommodation immediately. If the respondent no. 8 applies as above within the next three days, Barrackpore

Police Commissionerate shall consider his application within a period of one month from date.

The respondent no. 8 shall be entitled to stay on the ground floor of the writ petitioner's residence for a maximum period of three months from date. The respondent no. 8 undertakes before this Court not to disturb the mother/writ petitioner or anybody else in the house during his residence thereat, as directed herein above.

The O. C., Thakurpukur Police Station shall maintain regular vigil on the said premises.

The writ petition is disposed of.

There will 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.)