

315 20.12.2023
NB Ct. 14

WPA 25811 of 2023

Mousumi Saha
Vs.
The State of West Bengal & Ors.

Mr. Rameshwar Sinha,
Mr. Nikhil Kr. Gupta.
...for the petitioner.

Mr. Jayanta Samanta.
....for the State.

Mr. Anirban Patra.
...for the respondent nos.11&12.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the house in question. The private respondents had been disturbing the possession and enjoyment of the property by the petitioner. They had provided money to the minor son of the petitioner so that he could indulge in online gaming. This way the minor son has also gone against the petitioner. Even, the mother of the petitioner has gone against her. It has become impossible for the petitioner to reside in that house. After the writ petition was filed, local Salish took place. As a consequence, the petitioner is unable to enter into her own house.

Learned counsel appearing on behalf of the private respondent nos.11 and 12 submits as follows. The allegations made in the writ petition are denied. The petitioner has not only

falsely implicated the private respondent nos.11 and 12 but also added their minor son as a respondent herein as respondent no.13. It is purely a family problem that the petitioner is having and she needs to sort it out herself.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, an FIR had earlier been registered being English Bazar P.S. Case No.1370 of 2023 dated 21.08.2023. Notice under Section 41A of the Code was complied with by the accused. They subsequently obtained bail. The police are keeping a close watch on the developments in the locality.

It is not disputed that the petitioner is the owner of the property in question. Therefore, she could not be removed from there except according to the due process of law. She has therefore a right to stay in the said house.

The bulk of grievances of the petitioner pertain to her family dispute. She herself has to settle them.

No case is made out for police inaction or intervention in this matter.

Accordingly, the writ petition is disposed of without any costs.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

