

December 18, 2023
AD 15
Ct. No.14
SG

WPA 27597 of 2023

Bijoya Banerjee and others
vs.
State of West Bengal and others

Mr. Koushik Roy
... for the petitioners

Mr. Jayanta Samanta
Mr. Kushal Biswas
... for the State

Mr. K.K. Maiti
... for the respondent Nos.4 & 5

Affidavit of service filed in Court is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner No.1 is a 85 years old widow and a co-sharer in the property in question. The petitioner Nos.2 and 3 are her elder son and elder daughter-in-law while the private respondent Nos.4 and 5 are her younger son and younger daughter-in-law, respectively. The private respondents had been torturing the petitioners for quite sometime. They had been foisting false cases against the other son and daughter-in-law of the petitioner No.1. Out of fear the petitioners had to leave the premises. Effectively, the petitioner No.1 was driven out from the house in question in this fashion. Now, the petitioners are compelled to stay together at a different house.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as

follows. The petitioner Nos.2 and 3 misbehaved with the private respondents. This led to the registration of an FIR. That is why the petitioners have gone out of the residential house in question. However, the private respondents do not have any objection if their mother i.e. the petitioner No.1 returned to the said premise.

Learned counsel appearing on behalf of the State submits that the dispute is civil in nature. If the petitioner No.1/mother wants to return back, necessary protection can be provided.

It appears that the petitioner No.1 is 85 years old and is a co-sharer of the property in question. She wants to go back home with some kind of protection.

At this advanced age, the petitioners should not be relegated to the civil court to obtain an appropriate relief.

Let the petitioner No.1 intimate the intended date and time of her return to her own residence to the Officer-in-Charge of Rahara Police Station with a twenty-four hours' notice. The officer shall make necessary arrangements for police escort to accompany her to her residence. The entry of the petitioner No.1 to her residence shall be videographed.

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

As affidavits were not called for, the allegations made are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]