

Court No. 17
Item No.18
13.02.2024
(Suvendu)

WPA 3192 of 2024

Laxmi Gupta
Vs.
The State of West Bengal & Ors.

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu
.....for the petitioner

Ms. Ipsita Banerjee
Mr. Debangsu Dina
.....for the State

Mr. Yashraj Roy
.....for the respondent no. 6

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.

No one appears on behalf of the respondent
no. 5.

Learned counsel appearing for the petitioner
submits as follows. The petitioner is an aged lady
and a co-sharer of the property in question. After the
demise of her husband, the property in question was
owned in equal shares by the petitioner and her
children, the respondent nos. 5 and 6. In fact, a

Partition Suit is also pending in this regard. However, the private respondent no. 5 had been harassing and intimidating the petitioner and disturbing her possession of her share of the property in divers ways. She is somehow surviving with the help of her daughter being the respondent no. 6. Several complaints were made before the police authorities, but no action was taken.

Learned counsel for the private respondent no. 6 submits that the respondent no. 5 had started a false case against her husband.

Learned counsel appearing on behalf of the State submits as follows. A case started by the respondent no. 5 against the respondent no. 6 has ended in a final report. However, on the complaint of the petitioner a specific FIR being Khardah Police Station Case No. 90/24 dated 08.02.2024 under Sections 341/323/506 IPC and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was started. The dispute between the petitioner and the private respondents is civil in nature.

It appears that the dispute between the petitioner and the private respondents is civil in nature. If any of the private parties wants to establish any legal right in respect of the said

property, the same has to be done before a Civil Court.

If any offence is committed, police shall be at liberty to take necessary action. In fact, police have already taken action on a complaint made by the petitioner by lodging a specific FIR.

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

Therefore, no further order need be passed.

With the above observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)