

02.07.2024
Item No.109
M/L
gd/ssd

MAT/385/2023
SHEKHAR SAHA AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2023

Mr. Tarak Karan
..for the State.

1. None appears for the appellant.
2. None appears for the private respondent no.5.
3. In terms of the directions issued on 24.08.2023 the Officer in-Charge of Netaji Nagar Police Station has filed a report dated 20.09.2023 addressed to the State advocate stating that the directions issued have been complied with and the appellants have removed all their articles except wooden cupboard fitted with the wall. Photographs have also been appended to the report.
4. With regard to the dispute between the appellants, namely, the son and daughter-in-law and the 5th respondent, namely, the mother/mother-in-law, as rightly held by the learned Single Bench the same has to be sorted out before the appropriate forum, namely, if it is a right over an immovable property which shall be raised in civil court and if it is concerning a criminal offence, the matter can be dealt

with by the appropriate criminal court. So far as the claim made by the writ petitioner/respondent no.5 for implementing the order of maintenance, it will be open for the 5th respondent to proceed in accordance with law.

5. With the above observations, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)