

S/L 12
11.3.2024
Court No.14
SD

WPA 6817 of 2024

Mobira Bibi
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Hazra
Sk. Nadeem Ahmed

...for the Petitioner.

Ms. Sonal Sinha
Mr. Avishek Prasad

...for the State.

Md. Idrish
Ms. Tuhina Parvin

...for the Respondent Nos.6-8.

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 an aged and ailing lady and is the owner of the property in question. The private respondent nos.6, 7 and 8 are the son, the daughter-in-law and the grandson of the petitioner, respectively. The private respondents had been disturbing the possession by the petitioner of the property for quite some time. They wanted to grab the entire property from her. They were not maintaining the ailing petitioner and were not even allowing her daughters to come and support the petitioner. Finally, the private respondents ousted the petitioner from her own residence.

Learned counsel appearing on behalf of the private respondents denies the allegation and submits as follows.

The father of the private respondent no.6 had gifted him a portion of the property, where they are staying. In fact, he is also sending money to the petitioner for her maintenance. It is denied that the petitioner has been ousted from the property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the allegation made by the petitioner, a specific FIR has been lodged and charge sheet has been submitted. Subsequently, a counter-case has also been started from the end of the private respondents. After registration of the FIR, investigation was done and charge sheet has also been submitted in respect of such case.

This is one of those exceptional cases where the son has also filed an FIR against his mother.

Be that as it may, it is an admitted fact that the petitioner is the owner of a portion of the property.

Fortunately, it has also been averred by the private respondents that they have not ousted the petitioner from her property.

At this advanced age, the petitioner shall not be relegated to the Civil Court for seeking a relief to return to his own residence.

In view of the above, the petitioner shall intimate the intended date and time of her return to her property to the Officer-in-Charge, Bolpur Police Station with 24 hours' notice. The Officer shall then make necessary arrangement to escort her back to her property accompanied by armed

police personnel. The entry to the property shall be videographed.

The private respondents shall not obstruct the petitioner's daughters from entering into the petitioner's portion of the property in respect of her maintenance and upkeep.

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

With these observations, WPA 6817 of 2024 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)