

1299  
02.5.2024  
Ct. No. 14  
SB

W.P.A. 8645 of 2024

Rikta Dutta  
Vs.  
The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury  
Mr. Jaydipta Mandal  
... for the petitioner

Mr. Gazi Faruque Hossain  
Mr. Chandra Paul  
Ms. Varsha Roy ... for respondent no. 4

Mr. Swapan Banerjee  
Mr. Diptendu Narayan Banerjee  
... for the State

Affidavit of service is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an aged and ailing lady. She was a co-sharer in the property in question which was earlier owned by her husband. After his demise in 2019, it was owned jointly by the petitioner, his son and daughters. The respondent son managed to convince her to donate her share of the property to him. Another daughter also donated her share to the brother. But, fortunately the proforma respondent did not donate her share. The petitioner was then staying at the share of the property which belonged to the proforma respondent. However, the private respondent son soon started to disturb her possession and finally ousted her from the property.

Learned counsel appearing on behalf of the private respondent no. 4 / son denies the allegations and submits as follows. The petitioner had been staying in a room at the first floor of the house. The ground floor is given to a tenant and the

petitioner collects the rent. On her own volition, a few days ago the petitioner had left the house for her daughter's place. If the petitioner wants to return to the house and stay that room, the private respondent son would have no objection whatsoever. It is germane to mention that a partition suit is pending in respect of the said property.

Learned counsel appearing on behalf of the State submits that on the allegation of the petitioner, a specific F.I.R. had been registered being Sonarpur P.S. Case No. 378.

Although the petitioner had admittedly gifted away her share of the property to the respondent son, she was staying at the share of the property belonging to the private respondents.

Fortunately, it is submitted on behalf of the respondents son that he has no objection if the petitioner comes back to the said property and stay at to the said room at the first floor.

It also appears that police have acted on the allegation made by the petitioner.

Let petitioner intimate the Officer-in-Charge, Sonarpur P.S. about the intended date and time of her return to the said property with 24 hour's notice. The officer shall arrange for adequate police force for escorting her back. The entry to the house shall be vidographs.

The police shall also keep a sharp vigil at the locale and ensure that no breach of peace takes place. Surveillance shall include frequent visits by police patrol.

With these observations, the writ petition is disposed of.

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

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

(Jay Sengupta, J.)