

May 2, 2024
AD 7
Ct. No.14
SG

WPA 9416 of 2024

Smt. Bithika Sengupta
vs.
The State of West Bengal and others

Ms. Madhumita Roy
Ms. Mahasweta Mukherjee
Ms. Indira Malik
... for the petitioner

Ms. Sonal Sinha
Ms. Indumouli Banerjee
... for the State

Mr. Rabiul Islam
Mr. Ashis Santra
... for the private respondent

Learned counsel for the petitioner submits as follows. The premise where the private respondent resides is a tenanted one and the tenancy was earlier in the name of the husband of the petitioner's mother. The petitioner's mother is about 99 years old. In the said premise the petitioner's challenged brother also stays. The private respondent who happens to be the widow of the petitioner's brother has taken over the property. She is regularly torturing the 99 years old mother and the mentally challenged brother of the petitioner. She has even taken steps so that the petitioner cannot enter the household. The petitioner is constrained to send regular meals to the 99 years old mother through neighbours. In such a precarious condition, it is apprehended that the private respondent would do more harm to the two, which

can even be fatal. The private respondent is even preventing the mother and the brother of the petitioner from having access to clean water.

Learned counsel for the private respondent denies the allegations and submits that all other formalities of maintenance except for the food are done by the private respondent. It is categorically denied that any obstruction has been made by the private respondent from accessing clean water. There is no formal water connection in the house. Water is taken through "Vari." In fact, rent is being paid by the private respondent and receipt is being issued in her name.

As the private respondent has taken over the household and the 99 years old mother and the mentally challenged brother of the petitioner have been staying there for long, the private respondent shall ensure that the two get supply of adequate quantity of water. The private respondent shall supply water to the two through "Vari."

For these basic humanitarian requirements, the 99 years old mother and the mentally challenged brother of the petitioner should not be made to run to a civil court.

The private respondent shall also not commit any act of torture upon the two.

The petitioner shall be at liberty to take steps in respect of the order passed under Section 144 of the Code.

For the next three months, a police officer from the local police station to be deputed by the Officer-in-Charge shall visit the premise and check on the well being

of the 99 years old mother and mentally challenged brother of the petitioner, prepare a report regarding the same and supply a copy of the same to the petitioner.

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

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 a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]