

16  
Court no. 14  
05.01.2024  
D.Hira

**W.P.A. 14833 of 2023**

**Sandhya Biswas  
-versus  
State of West Bengal & Ors.**

**Mr. Sabyasachi Chatterjee,  
Mr. Ankan Das,  
Mr. Dipankar Das,  
Mr. Alminaz Karim.  
... for the petitioner**

**Mr. Abhrajit Roy Chowdhury.  
... for the respondent  
no. 9**

**Mr. Manas Kumar Das.  
... for the respondent  
nos. 5 to 8**

**Mr. Debasish Roy.  
... for the State**

Affidavit-of-service filed on behalf of the petitioner in Court today 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 the aged mother of the respondent no. 9 and mother-in-law of the respondent no. 5. The other private respondents are relatives of the respondent no. 5. After the demise of the petitioner's husband she became a co-sharer in the property in question along with his sons. But, the private respondents started torturing the petitioner and disturbing the peaceful possession and enjoyment of the property by the petitioner. They wanted to grab the entire property. Finally the private respondents ousted the petitioner from her residence. This

was brought to the notice of the police authorities, but no steps were taken.

Learned counsel appearing on behalf of the respondent nos. 5 to 8 denies the allegations and submits that this writ petition is a ploy to oust the daughter-in-law from the premises.

Learned counsel appearing on behalf of the respondent no. 9 submits that his client has also been threatened by his wife and other private respondents.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a family dispute that exists between the private parties. However, on the complaint of the petitioner a proceeding has been initiated under Section 107 of the Code.

The letter of complaint referred to in the prayer portion by the petitioner apparently does not make out a cognizable case. Quite rightly, no FIR was registered on the same. However, it appears that police have acted by initiating a proceeding under Section 107 of the Code.

The son and the daughter in law are represented by different sets of counsels in the Court taking different stands. The facts involved in this case are severely disputed indeed.

Therefore, no further order needs to be passed in this regard.

However, if the aged petitioner is unable to return to her residence where she is a co-sharer, at this advanced age she shall not be referred to the Civil Court and she will be at liberty to seek assistance from the local police authorities to return home. In such event, she shall give a twenty four hours' prior notice to the Officer-in-Charge of the Berhampore PS so that arrangement may be made for police personnel to accompany her to her own residence.

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

With these observations, the writ petition is disposed of.

As no affidavits have been directed to be exchanged in the writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

**(Jay Sengupta, J.)**