

11 06.02.2024
NB Ct. 14

WPA 17607 of 2023

Nazma Begum
Vs.
The State of West Bengal & Ors.

Mr. Avik Ghatak,
Ms. Afreen Begum.
...for the petitioner.

Mr. Amitesh Banerjee Id.SSC. ,
Mr. Tarak Karan.
...for the State.

Mr. Soumya Nag,
Mr. Aditya Tiwari.
...for the respondent no.5.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother-in-law of the respondent no.5. She along with her husband (since deceased) had taken the property on rent. After the husband died, she became the tenant. Her deaf and dumb son and his wife, the respondent no.5 also resided at the said premises. For some time, the private respondent had been torturing the petitioner. Off and on, the petitioner has been driven out from the residence. After an order of residence was passed under the provisions of the Protection of Women from Domestic Violence Act, she was allowed entry, but was thereafter locked up in a room. She could somehow extricate herself after the neighbours came to rescue her. At present, she has again been driven out from the said residence.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. First, the private respondent had filed a criminal case, inter alia, under Section 498A of the Penal Code against the petitioner. This prompted the petitioner to take retaliatory measures. It is the private respondent who is at the receiving end of all torture committed by the petitioner and others. However, the private respondent has not prevented the petitioner from entering into the said premises.

Learned senior counsel representing the State relies on the report and submits as follows. Both the petitioner and the private respondent are enjoying respective orders of residence under the Protection of Women from Domestic Violence Act. The petitioner had instituted three criminal cases against the private respondent while the private respondent had instituted four criminal cases against the petitioner. The police are keeping a close watch on the developments in the locality.

It appears that an ongoing dispute exists between the private parties. There are cases and counter cases started by each other.

The petitioner presently claims that she has again been driven out by the private respondent from the property which she had taken on rent along with her husband.

At this advanced age, the petitioner should not be relegated to the civil Court to obtain necessary relief. In the event, the petitioner wants to return to such property, she shall intimate the intended date and time of return to the Officer-in-Charge of Tiljala Police Station with a 24 hours' notice. The

Officer shall then take necessary steps to arrange for police protection so that she can be escorted back to her residence.

The entry to her residence shall be videographed.

Even otherwise, the police authorities 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.

Since affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)