

January 3, 2024
AD 21
Ct. No.14
SG

WPA 24198 of 2023

Anjali Majumdar
vs
The State of West Bengal and others

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De
... for the petitioner

Mr. Ansar Mondal
Mr. Asish Dutta
... for the State

Mr. S. Bhattacharjee
... for the pvt. Respdts.

Report filed by the State is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is the stepmother of the respondent No.4 and the step mother-in-law of the respondent No.5. The private respondents have been disturbing the possession and enjoyment of the petitioner's share of the property for quite sometime. They wanted her to convey her share in favour of the respondent No.4. Subsequently the private respondents drove out the petitioner from the said property. This was brought to the notice of the police, but no steps were taken.

Learned advocate for the private respondents denies the allegations made in the writ petition and submits that by way of an amicable settlement, a partition had taken place between the co-sharers of the

property including the private parties. The private parties stay at their designated places. The private respondents have never and would never disturb the possession of any other co-sharer of the property.

Learned advocate for the State relies on the report and submits that on the complaint of the petitioner, the police have already taken steps and initiated a proceeding under Section 107 of the Code.

Fortunately, it is the stand of the private respondents that they have not and will not disturb the possession and enjoyment of the petitioner of her share in the property as per the amicable partition.

Therefore, the petitioner is at liberty to return to her own portion of the property and enjoy the property peacefully.

In the event the petitioner wants to return back to her own portion of the property, she shall be at liberty to notify the intended date and time of her return to the Officer-in-Charge of local police station with a twenty-four hours' notice. The officer shall depute personnel to oversee the petitioner's return to the property and videograph the same.

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

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

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]