

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 24283 of 2023

Smt. Pratima Banerjee

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Amal Krishna Samanta
Mr. Arun Kumar Das

For the State : Mr. Wasim Ahmed
Mr. Sk. Md Masud

Heard lastly on : 09-01-2024

Judgment on : 09.01.2024

Jay Sengupta, J:

This is an application praying for a direction to escort back the petitioner to her home and to have the private respondents evicted from there.

Report submitted by the learned advocate for the State be taken on record.

None appears on behalf of the private respondents despite service of notice.

Learned advocate appearing on behalf of the petitioner submits as follows. The petitioner is a 67-year-old widow. She owns the property in question. The private respondents are her son and daughter-in-law who have ousted her from her own residence after committing torture. This was brought to the notice of the police authorities but no steps were taken.

Learned counsel for the State relies on the report and submits as follows. There is a family dispute going on between the private parties, but the petitioner is not willing to lodge a FIR against her own son.

It appears that the petitioner is the owner of the property in question. The son in such case would be living there only as a licensee. It shall be open to the petitioner to initiate an appropriate proceeding for eviction against the son. The petitioner shall also be at liberty to seek necessary relief under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

However, at this advanced age, the petitioner cannot be relegated to the civil court to obtain an order to return home.

In view of the above, let the petitioner intimate her intended date and time of return to her own residence to the Officer-in-Charge, Tamluk Police Station with a prior notice of twenty-four hours. The said Officer shall make necessary arrangement to provide police escort to accompany the petitioner to her own residence. The entry to the residence shall be videographed. Even thereafter, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

If any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to call up the Officer-in-Charge, Tamluk Police Station who shall then act in accordance with law.

With the aforesaid observations, the writ petition being WPA 24283 of 2023 is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible

(Jay Sengupta, J.)

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