

80 30.01.2024
NB Ct. 14

WPA 25407 of 2023

Sukkuli Roy
Vs.
The State of West Bengal & Ors.

Mr. Shibaji Kumar Das,
Mr. Ashan Ahamed.
..for the petitioner.

Mr. Abhishek Banerjee.
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

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 83 years old mother-in-law of the respondent no.4. The other private respondents are the parents and sisters of the respondent no.4. The petitioner is also a co-sharer of the property in question as her husband passed away leaving behind the petitioner and two sons. The husband of the respondent no.4 works in Air Force and stays elsewhere. The private respondents had been torturing the petitioner and trying to grab the property in question. Finally, they were able to oust the petitioner from her own residence. The petitioner had to take refuge at her nephew's place. All

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

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The petitioner is a senior citizen and is a part owner of an undivided land situated at Mouja-Abjakhali comprising of three premises with a total number of five rooms. On the complaint of the petitioner, the police had initiated a proceeding under Section 107 of the Code in August, 2023. They also registered a specific FIR being Bishnupur PS Case No.964 dated 25.11.2023 under Sections 448, 387, 325, 427, 506 and 34 of the Penal Code and Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2005. The police authorities are keeping a close watch on the developments in the locality.

It appears from the report of the State that the petitioner was staying in a part of the property which she owned jointly with her two sons and the private respondents were occupying some other rooms without her permission. According to the report, the tension escalated after she protested and asked the respondent no.9 to vacate the room occupied by her.

If there are any illegal occupants in the said property, the owner shall be at liberty to take recourse to the procedure of law to evict them.

In any event, the petitioner being a co-owner of a property has a right to reside in the same. No one, far less the private respondents, would have any right to dispossess her from such property.

In fact, in the event she had been dispossessed she shall not be relegated to the civil Court for seeking appropriate relief at this advanced age.

In such event, the petitioner shall be at liberty to intimate the Officer-in-Charge of Bishnupur Police Station about the intended date and time of return 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.

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to contact the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)