

23 07.02.2024
NB Ct. 14

WPA 25694 of 2023

Nita Choudhury
Vs.
The State of West Bengal & Ors.

Mr. Suprio Roy Chowdhury,
Mr. Syed Nasim Aejaaz,
Mr. Shankar Ghosh.
..for the petitioner.

Mr. Wasim Ahmed,
Mr. Sk. Md. Masud.
...for the State.

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

None appears on behalf of the private respondents.

It appears that the private respondent refused to accept service of notice.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the mother-in-law of the respondent no.5. The son of the petitioner has recently passed away. The purported property in question was a tenanted one, but in the name of the petitioner. In order to grab the property, the private respondent had falsely instituted a proceeding, inter alia, under Section 498A of the Penal Code and subsequently, ousted the petitioner from her own residence. She needs police protection to enter into such property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. In 2017, the private respondent no.5 filed a criminal case, inter alia, under Section 498A of the Penal Code against the petitioner and others. Since 2018, the present petitioner has been residing elsewhere.

The copy of the rent receipt appended to the writ petition is also of 2017. At present, the private respondent is staying there along with her male child.

The report reveals that the petitioner had stopped residing at the said place since 2018 and the copy of the rent receipt attached to the writ petition is also of 2017.

Therefore, there are no admitted facts about the petitioner's right to the tenanted premises right now.

As such, this Court is not in a position to pass any order in favour of the petitioner in this writ petition. However, she shall be at liberty to approach the appropriate civil Court for necessary relief.

With these observations, the writ petition is disposed of, however, without any costs.

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

(Jay Sengupta, J.)