

03 11.03.2024
NB Ct. 14

WPA 28765 of 2022

Bhabani Baidya Mondal @ Bhabani Mondal
Vs.
The State of West Bengal & Ors.

Ms. Jharna Biswas.
...for the petitioner.

Mr. Malay Singh,
Ms. Neelam Singh.
...for the State.

No one appears on behalf of the intervenor.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. She purchased the property and thereafter, constructed a room there. The stepson of the petitioner had earlier approached her saying that they had no place to stay and out of pity, the petitioner had allowed them to stay in the property. Subsequently, the private respondent and his family members started pressurizing the petitioner to convey the property to them. Finally, they ousted the petitioner from her own residence.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Enquiry revealed that the writ petitioner had allowed the private respondent, her stepson, to reside at the said property sometime ago. Over day to day issues there have been disputes between the private parties.

Therefore, it is an admitted fact that the petitioner is the owner of the property. The private respondent or his family

members would be staying there, at best, as licensees. In fact, the petitioner would have the right to evict them by approaching a civil Court.

In any event, the petitioner cannot be denied entry to her own property and at this advanced age, the petitioner shall not be relegated to the civil Court to obtain necessary relief.

In view of the above and in the interest of justice, the petitioner shall be at liberty to intimate the exact date and time of her intended return to the said property to the Officer-in-Charge of the Narendrapur Police Station with a 24 hours' notice. Thereafter, the police authorities shall arrange for necessary police escort so that the petitioner can return to her own residence.

The return of the petitioner back home shall be videographed.

Even otherwise, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. Surveillance shall include frequent visits by police patrol.

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.)