

S/L 37
22.3.2024
Court No.14
SD

WPA 28632 of 2023

Minakshi Seal
Vs.
The State of West Bengal & Ors.

Mr. Samrat Chowdhury

...for the Petitioner.

Ms. Jhuma Chakraborty
Ms. Arpita Mondal Adak

...for the State.

Mr. Soorjyo Ganguly
Ms. Arti Bhattacharya

...for the Respondent Nos.4-7.

Affidavit of service and supplementary affidavit filed on behalf of the petitioner are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is about 72 years old. She is a practicing advocate. She is the widow of the owner of the property in question. Her husband died in 2010. After that she had been staying at the ground floor of the premises in question. The first floor is occupied by her two sons and daughters-in-law. After sometime, the private respondents started disturbing the petitioner's possession of the property and wanton atrocities were committed. Sometimes, electricity connection would be cut off. Often she would come back from her work and find that the doors are under lock and key. The petitioner was constrained to file a civil suit in this regard. By an order dated 22.9.2023 passed by the learned Civil Judge (Junior Division), Bidhannagar in Title Suit No.330 of 2023, the defendants were restrained from causing dispossession of the plaintiff from the property mentioned in the schedule A of the plaint. There was also a

similar direction passed by the Court under the Protection of Women from Domestic Violence Act. When the petitioner filed an application under Section 151 alleging violation of the court's order and praying for police protection, the learned civil court treated this as a case of contempt and the matter is pending. The petitioner has finally been ousted from her own property and has to leave outside as a paying guest.

Learned counsel appearing on behalf of the private respondents denies the allegation and submits that the petitioner had left the premises on her own volition and had not been driven out by the private respondents. In fact, if the petitioner wants to return to the portion she was occupying in the premises, the private respondents would not be having any objection to the same. However, there are civil proceedings pending between the private parties in respect of the property in question.

Learned counsel appearing on behalf of the State submits as follows. There is no police inaction in this case. On the complaint of the petitioner, a specific FIR was lodged, which is being investigated. The police are keeping a close watch on the development in the locality.

It appears that the petitioner is a co-sharer of the property and has been staying in the property even after demise of her husband who was the erstwhile owner of the property. She is about 72 years old. There are orders passed by the civil court and under Protection of Women from Domestic Violence Act directing that she could not be

dispossessed from the property. She alleges that in violation of the same, she has been dispossessed.

Although a civil suit is pending, at this advanced age, the petitioner ought not be relegated to the civil court for obtaining necessary relief.

Moreover, fortunately it has been submitted on behalf of the private respondents that they would have no objection if the petitioner wants to return to her residence.

In the event the petitioner wants to return to her residence, the petitioner shall intimate the intended date and time of return to the Officer-in-Charge, Bidhannagar (South) Police Station with a 24 hours' notice. The Officer shall then make necessary arrangements to escort her back to her residence accompanied by armed police personnel. The entry to the residence shall be videographed.

Even thereafter, the police authority shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The police authority shall further ensure that no harm is done to the victim. Surveillance shall include frequent visits by police patrol.

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

With these observations, WPA 28632 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

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

(Jay Sengupta, J.)