

32 03.04.2024
NB Ct. 14

WPA 29144 of 2023

Saraswati Parui & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Argha Banerjee.
...for the petitioners.

Mr. Jayanta Samanta,
Mr. Supriya Majumder.
...for the State.

Mr. Navanil De,
Mr. Subhrajit Dey.
...for the respondent nos.5&6.

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

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the owner of the property in question. The petitioner no.2 is her son. While the respondent no.5 is the daughter, the respondent no.6 is the son-in-law of the petitioner no.1. The private respondents have forcibly engineered gift deeds in respect of certain portions of the property. Ownership of another portion of the property, in any event, remains with the petitioner no.1. Over these issues, there were cases that had to be instituted by the petitioners. This prompted the private respondents to drive out the petitioners from their own residence. A complaint was lodged in

the month of November, 2023 before the police, but has not been acted upon.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The private respondents have not driven out the petitioner no.1 from the property. She has a separate place in the said property where she can come any time without any obstruction. There are several cases and counter-cases filed by the adverse parties, which are being adjudicated.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There were several FIRs lodged at the behest of both the sides. Investigations were conducted and charge sheets were filed. Besides, at least eight proceedings have been initiated under Section 107 of the Code. There is a civil dispute that exists between the private parties. Whenever any criminal act is alleged, the police have taken steps.

It appears that a civil dispute exists between the private parties.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before a civil Court.

However, at this advanced age, the petitioner no.1 cannot be relegated to the civil Court for obtaining a relief of returning back to her own residence.

Therefore, let the petitioner no.1 intimate the exact date and time of her intended return to the Officer-in-Charge of Haldia Police Station with a 24 hours' notice. The police

authorities shall arrange for adequate armed police personnel to escort her back to her own residence.

The entry to her residence shall be videographed.

Even otherwise, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court, if any, is violated.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J.)