

Ct. 05
Item No.04 (SL)
16.10.2020
(suvendu)

**WPA 6925 of 2020
With
IA CAN 1 OF 2020**

(Via Video Conference)

**Smt. Anita Biswas Karmakar & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Suddhashatva Banerjee
Mr. Sukanta Biswas
Mr. Ayan Banerjee
Ms. Shalini Mukherjee
.....for the Petitioners

Ms. Kaberi Roy
.....for the State

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

The State is represented.

No one appears for the private respondents
namely, the respondent nos. 4 to 9.

The petitioners are the mother-in-law and
father-in-law respectively of one, Susmita Acharjee,
who appears to be the reason for the petitioners'
approaching this Court for urgent relief. The
petitioners seek to enter and live in their house at
Balurghat, Dakshin Dinajpur, from which they have
allegedly been ousted since August, 2020.

Learned Counsel appearing for the petitioners
places a representation of the petitioners (undated

and also not specific with regard to the addressees) which set out the fact of the case. Counsels submits that the petitioners have been tortured by their daughter-in-law/respondent no.4 and have been shut out from their residence at Balurghat by reason of which the petitioners have been forced to stay in Kolkata in a rented accommodation. It is submitted that there is a case filed by the daughter-in-law against the petitioners under Section 498A of the Indian Penal Code.

Upon considering the facts of the case and on seeing the photographs annexed to the writ petition, this Court is of the view that the petitioners should be allowed to enter and live in their house at Balurghat without any further resistance from any other parties including the private respondents. The petitioner no.2 is of advanced years and both the petitioners are entitled to live in their house. It is made clear that this Court has not expressed any views on the merits of the disputes between the petitioners and the private respondents.

The petitioners will be at liberty to seek adequate police help in the event the petitioners are resisted or prevented from entering their house at Balurghat. The petitioners will be free to return their house and live in the said house within forty eight

hours from the date of this order. It is made clear that none of the parties herein will take steps to frustrate any proceeding which is pending adjudication in a court of law or before any other forum.

WPA 6925 of 2020 and the connected application, being CAN 1 of 2020, are disposed of accordingly.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, on usual undertaking.

(Moushumi Bhattacharya, J.)