

13.06.2022
Court No. 19
Item no.42
CP

WPA No. 1644 of 2022

Satarupa Mukherjee (Banerjee)
Vs.
The State of West Bengal & ors.

Mr. Bikram Banerjee
Mr. Arkadeb Biswas

....for the petitioner.

Ms. Jayeeta Sinha
Mr. Sandip Mandal

....for the State.

Mr. D. N. Bose
Mr. Sujit Chowdhury

...for the respondent no. 5.

The petitioner is the wife of the respondent no. 6. It is alleged that the respondent no. 6 has abandoned the petitioner and has also abandoned the rented accommodation situated at 3 No. Santinagar, Mankundu, PIN - 712139. The respondent no. 5 is the owner of the said house.

It is submitted that some valuable documents of the petitioner, namely, Aadhar Card, Voter ID, PAN Card, marriage registration certificate, medical documents, mark sheets, pass book, cheque book were lying in the said house which was taken on rent by the petitioner's husband. The rented premises continues to be under lock and key.

While the petitioner asserts that the lock and key has been put by the respondent no. 5, the respondent no. 5 on the other hand submits that the lock and key has been put by the husband of the petitioner.

The petitioner attempted to serve the husband, namely Saibal Banerjee, at the last known address. The postal article has come back with the endorsement 'No such person in this address'.

Thus, the petitioner prays for a direction upon the police authorities to assist the petitioner so that the petitioner can take her personal documents, testimonials and pass book, cheque book etc. from the said house.

The police report filed in court today indicates that during the Durgapuja in 2018, the petitioner went to Durgapur with her husband, keeping the rented house under lock and key. They stayed at Durgapur. Thereafter the petitioner returned to her parental house at Lichubagan, but the husband did not come back. The report is kept on record.

Mr. Bose, learned advocate appearing on behalf of the landlord, submits that huge rent is payable by the husband of the petitioner and, as such, no orders can be passed permitting the petitioner to take her belongings.

Having heard the rival contentions of the parties, this court is of the view that the right of the landlord to receive rent, and/or to evict the petitioner and her husband are matters to be decided by the appropriate civil court. The landlord is entitled to approach the appropriate forum, in accordance with law.

The writ petition is entertained to the limited extent of providing an assistance to the petitioner through the local police station so that the petitioner can take her educational certificates, medical reports, Aadhar Card, Voter ID, PAN Card, marriage registration certificate, pass book and cheque book from the premises in question. Without these documents, the petitioner will not be able to lead a useful and normal life.

The police authorities shall verify the documents and only if the same are recorded in the name of the petitioner, the police authorities shall allow the petitioner to take the same. The marriage registration certificate shall also be recovered. For removal of other belongings, the petitioner is entitled to approach the appropriate forum, in accordance with law.

The petitioner will approach the Inspector-in-Charge, Bhadreswar Police Station on June 17, 2022 at 11 am. Assistance shall be provided to the

petitioner. If the petitioner does not have the keys to the padlock, the police authorities shall break open the lock. The petitioner shall supply a new lock and key to the police authorities. The police authorities shall put back the lock and keep the keys in the police station, till necessary orders are passed by a competent court of law in this regard.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)