

30.08.2022
Sl. No.561(ML)
srm

W.P.A. No. 2019 of 2022

Mousumi Ghosh

Versus

The State of West Bengal & Ors.

Mr. Kalyan Kumar Bhattacharjee,
Ms. Reshmi Khatun

...for the Petitioner.

Mr. Amal Kumar Sen,
Mr. Lalmohan Basu

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.5.

The petitioner alleges torture by the in-laws in the matrimonial home and ouster therefrom. The remedy of the petitioner will be to approach the appropriate court under the Protection of Women from Domestic Violence Act, 2005. The petitioner is a widow and claims restoration of possession in the matrimonial home.

It appears that the police authorities already enquired into the matter. There is a long pending family dispute with regard to the partition of the property. Prosecution under Section 107 of the Code of Criminal Procedure was submitted against the brother-in-law of the petitioner. The police authorities had directed the parties to maintain peace.

The prayer for restoration of possession in the matrimonial home/shared household by the widow has to be raised before the appropriate forum.

The writ petition is disposed of, granting the petitioner liberty to approach the proper forum. If the petitioner approaches the police with any allegation of threat, intimidation or torture, the police authorities shall come to the assistance of the petitioner. However, at present, the petitioner resides elsewhere.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)