

S/L 36
13.6. 2022
Court. No. 19
sn

WPA 14017 of 2021

Chitra Das
Vs.
The State of West Bengal & Ors.

Ms. Kaberi Ghosh (Dey) ... for the Petitioner

Ms. Chaitali Bhattacharyya
Ms. Sukla Das Chandra ... for the State.

This writ petition has been filed for a direction upon the police authorities to comply with the orders dated October 13, 2019 and March 16, 2021 passed by the learned Chief Judicial Magistrate, Kalna. Further prayer has been made for a direction upon the police authorities to grant adequate police assistance, so that the petitioner can enter into her own house. It appears that cases and counter case between the petitioner and the respondent no.7 are pending before the appropriate forum.

On an earlier occasion, when my predecessor in office had taken up this matter, the respondent no. 7 failed to appear. The Court directed the police authorities to consider the possibility of putting the petitioner back into her own house.

The police authorities have filed a report, from which it appears that there are two double storied buildings within the compound. One such building is in the front portion and other in the rear portion. The

ground floor of the building in the front, is occupied by Smt. Shobha Das, the respondent no.7. The building at the back portion was under lock and key and the same was in possession of the petitioner. It is mentioned that the daughter-in-law of the petitioner stated that she has no objection if her mother in law stayed in the said house. The petitioner was residing at a rented house with her younger son. Pursuant to the order of the Court, a team of officers along with a lady police personnel visited the petitioner at the house in which she was residing, at Andal.

On April 26, 2022, the petitioner along with her elder son went back to their house at Santadangal and entered the house situated at the rear portion, upon opening the lock.

The police authorities assisted and accompanied the petitioner and her elder son in order to restore the possession. No resistance was posed by the respondent no.7.

It also appears from the report that the writ petitioner was provided with the telephone numbers of police officers for future communication. A letter written by the petitioner to the police authorities has been annexed to the police report. It appears that the petitioner had admitted that she was occupying her own house and would seek police assistance, if necessary. On the basis of the petitioner's complaint, a

charge sheet has been filed under Sections 448/323/354/506/34 of the Indian Penal Code being C.S. no. 183 of 2021 dated August 31, 2021 against the respondent no.7.

Similarly, a charge sheet against the petitioner under Sections 498A/323/354B/506/34 of the Indian Penal Code read with Sections 3 and 4 of the Domestic Violence Act has been filed being Hirapur P.S. Charge sheet no. 02 of 2021 dated January 18, 2021.

If the petitioner approaches the police authorities complaining of any further violence or resistance by the respondent no.7, the police authorities shall render all assistance to the petitioner.

The police report is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)