

26.08.2022
Court No. 19
Item 214 (ML)
CP

WPA No. 15530 of 2022

Swadesh Ranjan Chakraborty
Vs.
The State of West Bengal & ors.

Mr. Bibek Chatterjee
Mr. Sandipan Maity
Mr. Tanmoy Chakraborty
Ms. Mahasweta Mukherjee

...for the petitioner.

Sk. Md. Galib
Mr. Gourav Das

....for the State.

The police report is taken on record.

The prayer of the petitioner for restoration of possession of the dwelling house with police help, cannot be allowed.

The respondent no. 6 claims to be the widowed daughter-in-law. Under the Domestic Violence Act, the lady has a right to remain in the shared household.

The petitioner resides elsewhere. The petitioner wants to go back to his residence. The petitioner is always at liberty to do so. The ouster of the alleged daughter-in-law, will not be in consonance with the provisions of law.

If the petitioner approaches the police authorities for assistance to enter the premises, the

police authorities shall assist. The petitioner cannot disturb the possession of the respondent no. 6 who is the daughter-in-law and a widow.

The police will keep a vigil to ensure that peace is maintained and no unlawful incident takes place.

The issue whether the respondent no. 6 was the legally married wife of the petitioner's son, is not an issue to be decided in this proceeding and the police authorities are also not empowered to determine the same. This order shall not be construed as a recognition of the respondent no.6 as the widow of the petitioner's son.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)