

25.08.2022
Court No. 19
Item no.02
CP

WPA No. 18975 of 2021

Sikha Chal
Vs.
The State of West Bengal & ors.

Mr. Sandip Sarkar

....for the petitioner.

Mr. Subhabrata Datta
Mr. Banibrata Datta

....for the State.

Mr. Sambhunath De
Mr. Ranjit Kumar Ghosh

....for the respondent no. 5.

The daughter-in-law, i.e. the respondent no. 5, is before the court and is represented by her learned advocate. It is submitted that the respondent No. 5 had never opposed the petitioner's stay in the house. Learned Advocate submits that the petitioner and her family members have continuously lodged baseless complaints against the respondent no. 5 and she apprehends further harassment. It is also submitted by the respondent no. 5 that the petitioner has an accommodation elsewhere.

Learned advocate for the petitioner submits that the apprehension of the respondent no. 5 is without any basis. That the question of causing

harassment to the daughter-in-law, did not arise at all.

The police authorities have filed a report. The same be kept on record. It appears therefrom, that the petitioner was escorted back to the house. Upon entering into the house, the police found that there were three rooms. One room was occupied by the respondent no. 5. The other two rooms were occupied by the elder son of the petitioner, namely, Raja Chal. The police authorities proposed that the petitioner must use the extra room occupied by Raja Chal. The petitioner refused to stay there. The petitioner demanded that she would reside in the room occupied by her daughter-in-law.

The police have taken photographs of the extra room and it does not appear that the said extra room is uninhabitable. The police report be handed over to the parties.

Thus, the other issues which have been raised in the writ petition do not call for a decision by the writ court. The question of asking the daughter-in-law to vacate the room which is being occupied by her, cannot arise in view of the protection granted to women under the Domestic Violence Act to be able to reside in the matrimonial home/shared household.

The petitioner and her son are at liberty to reside in the two rooms which and under the possession of the elder son Raja Chal.

Under such circumstances, if the petitioner disputes the arrangement made by the police authorities, no further action can be taken. The police cannot go beyond the arrangement proposed and the private dispute amongst the parties have to be resolved in a different proceeding.

The police authorities will keep a vigil to ensure that none of the parties engage in the commission of any offence.

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.)