

OD-4

WPO 2157 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GANESH CHANDRA SASMAL & ANR.
VERSUS
THE STATE OF WEST BENGAL & OTHERS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 10th May, 2022.

APPEARANCE:

Mr. Debnath Ganguly, Adv.

Mr. Supriyo Dutta, Adv.

...for the petitioners.

Mr. Debasish Ghosh, Adv.

Mr. Sayan Ganguly, Adv.

...for the State.

Mr. Aranya Saha, Adv.

Ms. Aishwarya Pratihar, Adv.

...for respondent no. 5.

Mr. Ayan Bhattacharya, Adv.

Mr. Dipanjan Dutt, Adv.

...for respondent no. 4

The Court :- The petitioner is aggrieved that her daughter-in-law, being the private respondent nos. 4 is inflicting mental torture upon the petitioners and continues to live in their house despite mated discord with their son.

It appears from the records that 1st Court of the Additional Chief Metropolitan Magistrate, Kolkata in Misc. execution case no. 24 of 2021, by an order dated 22nd December, 2021 under the provisions of the Domestic

Violence Act, 2005, has ordered maintenance of the minor child and secured residence in the shared household of the petitioners.

It is submitted by Counsel for the petitioners that the right of residence of the respondent no. 4 is, at best, against the husband and not against the petitioners.

The petitioner in essence seeks interference of this Court under Article 226 of the Constitution of India with an order of competent court under the provisions of the Domestic Violence Act, 2005. The same cannot be permitted in law. The petitioner has efficacious alternative remedy in the form of appeal under the provisions of the said Act of 2005 which she may avail. There are other statutory remedies also available to the petitioners, inter alia, under the Maintenance and Welfare of Parents and Senior Citizens Act of 2007 which may also be availed.

With the aforesaid observations, WPO No. 2157 of 2022 is disposed of.

No order as to costs.

(RAJASEKHAR MANTHA, J.)