

06.06.2023.
Court No.13
Item No. 17
ap

W.P.A. No. 4159 of 2023
Jine Karmakar
Versus
The State of West Bengal & Ors.

Mr. Partha Sarathi Das,
Ms. Shanta Sarkar,
Mr. Debojyoti De.

...For the petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar.

...For the State.

Mr. T.B. Laha,
Mr. Prabir Majumder,
Mr. S. Majumder,
Mr. Debraj Shil.

...For the respondent No.4.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that an order dated 4th January, 2023 passed by the learned Judicial Magistrate, 3rd Court at Ranaghat, Nadia under the provisions of the Protection of Women from Domestic Violence Act, 2005 of a right of residence and payment of maintenance, is not being complied with by the private respondent.
3. The petitioner complains of alleged inaction on the part of Dhantala Police Station in this regard.
4. The private respondent is represented.
5. It is submitted that the husband and family are contesting the said proceedings. However, they have no objection as of now for the petitioner to reside in the house on the land recorded in J.L. No. 112,

Khatian No. 2811, Mouza – 112 of 552 measuring about 0.1071 decimals.

6. The petitioner may, therefore, return to the said property and reside thereat. The private respondent shall continue to comply with the order of maintenance of Rs.3,000/- (Rupees three thousand only) payable to the petitioner as directed by the Court below.

7. The aforesaid order is passed is subject to the final result of the proceedings in Misc. Case No. 405 of 2022 (Jini Karmakar – Vs. – Shyam Karmakar).

8. The petitioner shall not enter into or disturb the private respondent in any other property.

9. Dhantala Police Station has submitted a report dated 12th March, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta, which is taken on record.

10. With the aforesaid directions, the instant writ petition shall stand disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)