

18.05.2023
Court No.13
Item No.11
AP

WPA 7369 of 2023

**Smt. Meghna Mehra nee Kundu
Vs.
The State of West Bengal and Ors.**

Mr. Dhiraj Trivedi
Mr. Bikash Kr. Singh
Mr. Sunil Gupta
Ms. Swapna Jha

... For the Petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan

... For the State.

Mr. Sanjay Mukherjee
Mr. Nibir Krishna Roy

... For the Respondent Nos.5 & 7.

Mr. Malay Dhar

... For the Respondent No.8.

1. The petitioner is aggrieved that she is not being allowed to enter into her matrimonial house. The petitioner has also complained that she has no access to her personal belongings, which are there in the said house.

2. Counsel for the private respondents has produced an order of a Civil Court dated 14th March, 2023 passed by the learned 3rd Additional Civil Judge (Junior Division), Alipore in Title Suit No.311 of 2023 where the petitioner herein has been restrained from disturbing the peaceful possession of the plaintiffs/in-laws, who are private respondents herein.

3. Since the Writ Court cannot sit in appeal over an order of a Civil Court, the petitioner may seek appropriate civil remedies in this regard.

4. Counsel for the petitioner, Mr. Trivedi has submitted that his client has filed an application for vacating of the interim order.

5. The complaint of the petitioner dated 15th March, 2023 if seen in the backdrop of the Civil Court's order, could create confusion in the mind of the police.

6. This Court finds no inaction on the part of the police.

7. However, it is submitted by Mr. Trivedi that a further complaint dated 1st May, 2023 has been lodged with the Lake Police Station. The said complaint discloses cognizable offences. Appropriate steps may be take by the Lake Police Station in this regard.

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

9. There shall be no order as to costs.

10. Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)