

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 11166 of 2023

Kalyani Sinha & anr.

Versus

The State of West Bengal & Ors.

For the petitioners : Mr. Haradhan Mondal
Ms. Susmita Dey (Basu)

For the State : Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

For the respondent no.4 Mr. Santanu Talukdar
Mr. Priyankar Ganguly
Ms. Mahima Saraogi

Heard on : 14.08.2023

Judgment on : 14.08.2023

JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to ensure that the petitioners can enter into the flat situated in the ground floor at premises no. 20/5, Mondalpara

Lane, Police Station- Baranagar, District- North 24 Parganas and consider the petitioners' representation and take necessary action.

Affidavits filed on behalf of the petitioner no.2 and the private respondent are taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the mother of the petitioner no.2. and the mother in law of the private respondent. The flat in question was purchased in the name of the petitioner no.2 with the financial assistance of the deceased father of the said petitioner no.2. A matrimonial dispute arose between the petitioner no. 2 and the respondent no.4. This led to a further dispute regarding entry of the petitioner no.1 in the flat situated at the ground floor of premises no. 20/5, Mondalpara Lane, Police Station- Baranagar, Kolkata- 700090. However, at the present, an amicable settlement has been arrived at between the private parties and it has been agreed that the petitioners and the respondent no.4 and the minor daughter of the petitioner no.2 and the respondent no.4 shall all reside at the said premises peacefully and without any incident. No one among the parties are going to prevent the other for entering the said property. However, all the parties should ensure that no injury or violence is committed to anyone of them. The petitioners also ensure that the uncle of the petitioner no.2 about whose actions the respondent no.4 was having reservations shall not be allowed to meddle with the affairs of the family.

Learned counsel appearing on behalf of the respondent no.4 submits as follows. This scars of the previous injuries upon the respondent no.4 still remain. However, in the interest of all the parties, especially the minor daughter of the couple, the respondent no.4 has indeed entered into a compromise and settlement with the petitioners. They shall all try to live a normal life at their residence and

shall not commit any violence against each other. Stridhan and relevant certificates, if present at the said flat, would be handed over to the respondent no.4.

Learned counsel appearing on behalf of the State submits that if a compromise and settlement is arrived at between the parties, the State would not come in the way.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the affidavits filed by the petitioner no.2 and the respondent no.4.

It appears that the private parties have decided to bury their hatchet and for the sake of their minor daughter, the couple have decided to live together.

In view of the above and in the interest of justice, the private parties shall make all endeavours to live peacefully at the said premises without any hindrance from each other from accessing the said flat, among other things.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)