

10.08.2023
Item No.6
gd/ssd

MAT/1137/2023
CAN/1/2023
ANITA MAHAR
VS
STATE OF WEST BENGAL AND ORS.

Ms. Soumita Dutta
..for the Appellant.

Sk. Md. Galib,
Mr. Debapriyo Chatterjee
..for the State.

Mr. Sayan Chatterjee,
Ms. Ayesha Iman,
Ms. Esha Das
..for the Respondent No.4.

1. Heard the learned advocates for either of the parties.

2. The appellant had filed the writ petition seeking for a direction to the police authorities to take appropriate legal action against the 4th respondent/husband.

3. It appears that there is a dispute between the appellant and her husband. However, in the said writ petition a direction has been issued by the learned writ court permitting the 4th respondent/husband to continue live in the Jadavpur Quarter which has been allotted to the appellant/writ petitioner and also there is an observation with regard to the visitation of the minor daughter.

4. We find that the direction issued by the learned writ court was wholly beyond the scope of the writ petition and such civil rights cannot be determined in a writ proceedings. So far as the grievance of the appellant against the 4th respondent is concerned, it is well open to the appellant to approach the concerned court for any protection and if, in the opinion of the appellant, the 4th respondent has committed a criminal offence, it will be well open to the appellant to approach the police authorities by way of criminal contempt and if complaint is given, the same shall be enquired into by the 3rd respondent and action be taken in accordance with law.

5. In the light of the above, the order and direction issued by the learned writ court is set aside and the appeal is allowed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)