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22.11.2023
Ct. No. 14
SB

W.P.A. 20022 of 2023

Awadesh Kumar Mishra
Vs.
The State of West Bengal & Ors.

Mr. Sunny Nandy
Mr. Subho Pathak
Ms. Sneha Pathak ... for the petitioner

Mr. Ashim Kr. Ganguly
Sk. Md. Masud ... for the State

Mr. Dipta Dipak Banerjee
Mr. Joydeep Chatterjee ... for the Private Respondent

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a father-in-law of the respondent no. 6. After the demise of the petitioner's son, the respondent no. 6 has been bringing in unknown individuals to their common residence. Several altercations had been taken place in this regard. Police authority were intimated. But no steps were taken.

Learned counsel appearing on behalf of the private respondent submits as follows. The allegations made in the writ petition are denied. The respondent no. 6 is the widowed daughter-in-law of the petitioner who is living in second floor of the building with two minor children. It is unfortunate that the father-in-law is now trying to drive out the petitioner and the children from the house. The petitioner was constrained to file a proceeding under the Protection of Women from Domestic Violence Act. An interim order has been granted regarding her residence in the house. A

civil suit has also been filed where the petitioner did not even claim title in the property, but only right to reside.

Learned counsel appearing on behalf of the State submits that it is purely a family dispute between the father-in-law and the daughter-in-law. Earlier the police authority had filed an F.I.R. on the complaint of respondent no. 6, inter alia, under Section 498A of the Penal Code.

It appears that an interim order for residence in favour of the respondent no.6 has already been passed by the Court under the Protection of Women from Domestic Violence Act. She has also filed a civil suit regarding her right to reside in the property. Such rights would be decided by the said Courts.

No further order need be passed in this regard.

Let the police authorities keep a sharp vigil at the locale, ensure that no breach of peace takes place and no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(JAY SENGUPTA, J.)