

14-03-2023

ct no. 13

sl. 21

sp

WPA 26157 of 2022

Shahnaaz Begum @ Shahnaz Begum

-Versus-

The State of West Bengal & Ors.

Mr. Kaustav Bagchi,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh,
Ms. Priti Kar

...for the petitioner

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee,
Mr. Suddhadev Adak

...for the State

Mr. S. Dasgupta,
Mr. A. Rakshit

...for the respondent no.6

The petitioner seeks a writ of mandamus to restore possession of her house back to her and her family members. The house is a rented premises. There are a large number of matrimonial and other disputes between the petitioner and the private respondent daughter-in-law, Mrs. Shama Afreen. Park Street Police Station Case No. 134 dated July 13, 2019 under Sections 498A/406/509/354/34 of the IPC read with Section 4 of the D.P. Act has been filed against the petitioner. Sections 377/511/354C of the IPC have been added subsequently.

There is also an FIR being Park Street Police Station Case No. 122 dated July 4, 2019 under Sections 448/427/323/379/509/34 and Section 354 of the IPC filed on the petitioner's complaint. The investigation is still on.

The petitioner seeks to return to her residence.

The daughter-in-law is represented. It is submitted that the daughter-in-law has filed for maintenance against the petitioner's son who is now living elsewhere. Maintenance of Rs. 15,000/- a month has been ordered in favour of the daughter-in-law which is not being paid by the husband.

In the backdrop of the above circumstances, this Court has proposed and the private respondent has agreed as follows,

- (a) The petitioner and her family members shall return to their home at 24/1 Sharif Lane, Kolkata 700016.
- (b) The private respondent no.6 shall be provided alternative rented accommodation of the same standard as that of the petitioner within a period of one month from date.

(c) Until such accommodation is provided the private respondent alone shall continue to stay in the said premises without allowing any of the friends or relatives into the house at 24/1 Sharif Lane, Kolkata 700016.

(d) The petitioner and her family members shall not disturb the private respondent. Likewise the private respondent shall not disturb the petitioner and her family members.

(e) The petitioner shall arrange to pay the current maintenance of Rs. 15,000/- per month in addition to the rent for the alternative accommodation for the respondent no.6 Mrs. Shama Afreen.

The maintenance for the current month shall be paid by tomorrow (15.03.2023) into the bank account of the 6th respondent, Mrs. Shama Afreen with HDFC Bank, Salt Lake Branch, being SB A/c No. 50100581313012. Subsequent maintenance amount shall be payable month to month with effect from 2nd April, 2023.

The respondent no. 6, Mrs. Shama Afreen, shall be entitled to continue with execution

proceedings for unpaid maintenance amount ordered by the concerned Court under the D.V. Act against the husband Md. Ali.

The responsibility of the petitioner to pay maintenance shall continue until the petitioner's husband commences payment of the same.

The Park Street Police Station shall complete the investigation into all pending FIRs, as expeditiously as possible, preferably within a period of one month from date.

The Court below seized of the proceedings under the D.V. Act for maintenance shall proceed with the matter independently and in accordance with law uninfluenced by any observations made in the instant proceeding.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)