

Item No.4

11.07.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 1912 of 2024
Arshina Rahman

v.

The State of West Bengal & Ors.

Mr. Sufi Kamal
Ms. Shireen Hossain
... for the petitioner.

Mr. Amitesh Banerjee, Ld. Sr. S.C.
Mr. Tarak Karan
... for the State.

Mr. Fazlur Rahman
Md. Babul Hussain
... for the respondent nos. 5 to 8.

The petitioner claims to be a co-owner of the joint paternal property. After her marriage she is residing with her husband in her matrimonial house.

A partition suit has been filed for partition of the paternal house of the petitioner. The suit is pending consideration. The petitioner prays for a direction upon the police authorities to put her back in possession of her parental house.

Learned advocate representing the private respondents submits, upon instruction that, there is no demarcation of the shares in the house in question. As the partition suit is pending and as because the petitioner is residing in her matrimonial house for a considerable period of time, accordingly, the petitioner may enter her paternal house only after her share is earmarked and demarcated by the learned Court.

Upon hearing the parties it appears that the petitioner is a married lady and she is out of her paternal house for quite some time. The shares of the parties in the subject house are un-demarcated.

It will be open for the petitioner to approach the learned Civil Court for necessary relief praying for permission to enter into the house in respect of which the suit for partition is pending.

It will be absolutely improper for this Court to direct the police to put back the petitioner in possession till the shares of the parties are demarcated in the partition suit.

In view of the above, the writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)