

Item No. 03

12.08.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15953 of 2024
IA NO: CAN 1 of 2024
CAN 2 of 2024

Sharmistha Dutta
v.
The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. Harekrishna Halder
... for the petitioner.

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Choudhury
... for the State.

Mr. Shounak Mukhopadhyay.
Mr. Vishwarup Acharyya.
... for the respondent no. 4.

Affidavit-of-service filed today in Court be kept
with the records.

CAN 1 of 2024 has been filed by the respondent
no. 4 praying for clarification of the order dated 21st
June, 2024. CAN 2 of 2024 has been filed by the writ
petitioner seeking modification of the same order.

I have heard all the parties.

The respondent no. 4 alleges that the petitioner is
trying to take forceful possession of the first floor of the
subject building. The petitioner alleges that the
respondent no. 4 is resisting her to enter in the first floor
where all her belongings are kept.

The shop room in the ground floor of the property has been sold. The shop room was used by the elder son of the respondent no. 4, that is, the brother-in-law of the writ petitioner.

The petitioner is a widow. The relationship between the parties is acrimonious.

Only for giving a breathing time to the parties to approach the competent forum, the Court as a temporary measure vide order dated 21st June, 2024 directed that the petitioner would be permitted to reside in the ground floor room. She was restrained from entering into the first floor of the subject building. The respondent no. 4 was directed not to interfere with the possession of the petitioner and her minor daughter in the ground floor room. The petitioner intends to bring her belongings from the first floor to the ground floor.

It will be open for the petitioner to take her belongings from the first floor to the ground floor room.

The petitioner shall serve a prior notice upon the respondent no. 4 intimating the date and time for shifting the goods from the room where the petitioner has put a padlock. The shifting of the goods shall be done in presence of the learned advocates representing the respective parties.

An inventory of the goods which will be taken from the first to the ground floor shall be made and signed by both the parties countersigned by the respective learned advocates so that the same may be used in future in any other proceeding between the parties.

The parties are restrained from interfering with the possession of the other. It will be open for the parties to approach the competent forum for further relief.

It is made abundantly clear that the order passed on 21st June, 2024 was never made in respect of the shop room in the ground floor. The order was and is all

along restricted to the other room which the petitioner claimed to be residing in.

Let the applications appear in the list on **22nd August, 2024** for recording further updates.

(Amrita Sinha, J.)