

January 9, 2024
AD 19
Ct. No.14
SG

WPA 19547 of 2023

Kartick Banerjee
vs
The State of West Bengal and others

Ms. Sana Naaz
... for the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan
... for the State

Mr. S. Chatterjee
Mr. R.K. Nandi
... for the private respondent

Report filed by the State is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner works in the Railways. He had taken a tenanted premise for residing there with his wife. However, later the petitioner had fallen ill. He went back to his paternal home. In the meantime the respondent/wife locked the tenanted premises and went to her paternal house. The petitioner is unable to take his articles including his uniform from the said premise.

Learned advocate for the private respondent denies the allegations and submits as follows. The petitioner did not take care of his wife. He actually deserted her. This writ petition is only a ploy to oust the petitioner from the tenanted property. The petitioner is not having any of his articles at the said tenanted premise.

Learned advocate for the State relies on the report and submits as follows. Inquiry reveals that the petitioner did not take care of his wife. After sometime the petitioner left his wife/respondent. Several times the wife's family members requested the petitioner for mutual settlement. However, he refused. A matrimonial suit is pending.

It appears that there exists a matrimonial dispute between the petitioner and the private respondent.

Since the tenanted house is admittedly in the name of the petitioner, he shall be at liberty to visit the place with notice to the private respondent so as to bring his articles, if any.

However, It is quite incredulous that the petitioner would not be able to get another set of uniform to do his duty.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of without any order as to costs.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]