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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 20481 of 2024

Ms. Mubaiya Begum
Vs.
The State of West Bengal & Ors.

Mr. Ankit Agarwala,
Ms. Alotriya Mukherjee
...for the petitioner

Mr. Susovan Sengupta,
Mr. Manas Kumr Sadhu
...for the State

Mr. Pritish Bandhopadhyay,
Mr. Apan Saha,
Mr. Oishik Chatterjee,
Ms. Sanchita Sree
...for the respondent nos. 4 to 7

Mr. Soumyajit Mishra
...for the respondent nos. 8 and 9

Affidavit of service filed today is taken on
record.

The petitioner, who claims to be the wife of the
respondent no. 4, has prayed for issuance of a writ
in the nature of mandamus directing the Inspector-
in-Charge, Singur Police Station, being the third
respondent, to provide assistance to her and to
reinstate her in her matrimonial home. Learned
Advocate appearing for the petitioner draws the
attention of the Court to the order of the learned
Judicial Magistrate, Third Court, Chandannagore,
dated 2nd February, 2024 in Misc. Case No.

221/2016 and submits that in spite of specific direction being issued to the Officer-in-Charge of the Singur Police Station to render assistance to the petitioner for being reinstated in her matrimonial home, no steps have been taken by the said respondent.

Learned Advocate for the petitioner places reliance upon a decision of the coordinate Bench dated July 11, 2024 passed in W.P.A. 1050 of 2024 (*Smt. Mithu Das vs. The State of West Bengal & Ors.*) in support of his contention that the writ court can direct the police authorities to implement the order passed by the learned Judicial Magistrate in a proceeding under the Prevention of Women from Domestic Violence Act, 2005.

The learned Advocate appearing for the respondent nos. 4 to 7 submits that the petitioner left the matrimonial home on May 24, 2014 and, therefore, this Court should not direct reinstatement of the petitioner in her matrimonial home.

The learned Advocate appearing for the respondent nos. 8 and 9 submits that the said respondents are in no way connected with the allegations made in this writ petition.

Mr. Sengupta, learned Advocate appearing for the State submits that the police authorities have taken necessary steps to mitigate the situation in

terms of the order passed by the learned Judicial Magistrate.

Heard the learned Advocates for the parties and perused the materials placed. The records reveal that the petitioner in the application under Section 12 of the Prevention of Women from Domestic Violence Act, 2005 has specifically stated that her in-laws drove her out of the matrimonial home on May 24, 2014 along with her *stridhan* properties.

The learned Judicial Magistrate by the order dated February 02, 2024 directed the Officer-in-Charge, Singur Police Station to see that no domestic violence may take place and to provide all sorts of assistance to the aggrieved person so as to get the instant order enforced. The learned Judicial Magistrate further restrained the respondents/opposite parties therein from committing, aiding or abetting any kind of domestic violence upon the petitioner in any manner henceforth and not to dispose/remove her from the shared household.

In Smt. Mithu Das (*supra*) the coordinate Bench after taking note of the submission made by the learned Advocate appearing for the in-laws of the petitioner therein that one room is kept under padlock by the petitioner and the petitioner has the keys of the said room and also taking note of the submission of the learned Advocate appearing for

the private respondents that the private respondents do not have any objection if the petitioner uses the said room, directed the petitioner to enter into the said room, which was then under padlock. The facts of the said decision is clearly distinguishable as in the case on hand the petitioner herself admitted that she was not in possession of the suit property on and from May 24, 2014.

The dispute between the petitioner and the private respondents, who are the in-laws of the petitioner, qua the immovable property cannot be decided by the writ court. The police authorities also cannot decide such dispute. The petitioner is left free to implement the order passed by the Learned Judicial Magistrate in the manner known to law. It will also be open to the petitioner to approach the proper forum for appropriate reliefs in accordance with law.

With the above observations and directions, the writ petition stands disposed of. It is, however, made clear that all observations made hereinabove are only for the purpose of supporting the ultimate conclusion and the same shall not prejudice the private parties before any other forum.

The report submitted by the State is taken on record.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)