

02.09.2024

WPA 21225 of 2024

**Antara Das
Vs.
The State of West Bengal & Ors.**

Ms. Amrita De

... .. for the petitioner

Mr. Suman Ghosh

Mr. Gaurav Das

... .. for the State

Mr. S.K. Roy

Mr. A.M. Bhattacharyya

... .. for the private respondent

Learned counsel appearing for the petitioner submits that the petitioner has made a complaint before the Officer-in-Charge, Haridevpur Police Station on 15th August, 2024, but no steps have been taken by the police official so far regarding unlocking of the flat and recovering of belongings of the petitioner from the flat and prays for a direction upon the Officer-in-Charge, Haridevpur Police Station to take steps regarding the complaint dated 15th August, 2024.

Learned counsel appearing for the State submits that the matter has duly been enquired and it could be learnt that there is a long pending matrimonial dispute in between the petitioner and her husband Abhijit Das and he filed Title Suit (Divorce) vide No. of 15/2024 (Shri Abhijit Das V/s Smt. Antara Das) in the Court of Ld. District and Sessions Judge at Yupia, District Papum, Arunachal Pradesh. The petitioner has also lodged a criminal case against her husband and in-laws vide

Durgapur Woman P.S. Case No.29/2024, U/s 498A/323/325/406/506/34 IPC and 3/4 D.P. Act, which is pending before the Court of Ld. CJM, Durgapur.

Abhijit Das, husband of the petitioner is owner of the alleged flat situated at 203A/2, Raja Ram Mohan Roy Road, 1st floor, Swagatam Park, P.S. – Haridevpur, Kolkata – 700 008 and presently he received an ad interim ex parte injunction order from the Court of Ld. 5th Civil Judge (Jr. Division), Alipore against the defendant (wife of Abhijit Das) that the defendants are hereby restrained from creating any disturbance in the peaceful possession and occupation of the plaintiff (Abhijit Das) in the suit property (203A/2, Raja Ram Mohan Roy Road, 1st floor, Swagatam Park, P.S. – Haridevpur, Kolkata – 700 008) till 02.09.2024.

Learned counsel appearing for the private respondent is present.

Heard learned counsels for the parties.

From the report it can be seen that the private respondent (husband) received an ad interim ex parte injunction order from the Court of Ld. 5th Civil Judge (Jr. Division), Alipore against the defendant (the petitioner herein) that the defendants are hereby restrained from creating any disturbance in the peaceful possession and occupation of the plaintiff (private respondent) in the suit property at 203A/2, Raja Ram Mohan Roy Road, 1st floor, Swagatam Park, P.S. – Haridevpur, Kolkata – 700 008.

As the order of the court of 5th Civil Judge (Jr. Division), Alipore is still persisting, this Court does not want to interfere with the matter.

However, the petitioner is granted leave to pursue her case in any other alternative forum.

With the above directions, the writ petition being WPA 21225 of 2024 is 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.

(Rajarshi Bharadwaj, J.)