

D/L14
10.12.2024
Bpg.
ct.no.35

W.P.A.28684 of 2024

**Jayanti Som
Versus
The State of West Bengal & Ors.**

Mr. Kusal Kumar Mukherjee
Mrs. Asrukan Maji
Mr. Narattam Acharyya.
...for the petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja.
...for the State-respondents.

Mr. Md. Zohaib Rauf.
...for the respondent no.5.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner has alleged that she has been thrown out of her residence at the behest of the private respondents. Petitioner is the mother-in-law aged about 78 years while the respondent no.5 happens to be the daughter-in-law.

Learned advocate appearing for the petitioner submits that she intends to return back at her residence.

Learned advocate appearing for the respondent no.5 submits that the respondent no.5 is staying pursuant to the directions passed under the provisions of PWDV Act, 2005. Learned advocate has

relied upon a judgment of the Hon'ble Division Bench passed in MAT 683 of 2022 in Swati Das vs. The State of West Bengal and Others wherein it reflects that the said judgment was passed in cases where eviction of sons and daughters-in-law were dealt with. The Hon'ble Division Bench was pleased to record that the learned single Judge in ex parte proceedings only on the version of the appellant directed for eviction on a one sided story of the private respondent. Consequently, the order of the learned single Judge was set aside.

There may be cases under Section 498A and provisions of PWDV Act, 2005. The provisions of PWDV Act, 2005 provide for alternate accommodation but that does not mean that rest of the relations of the in-laws are to be thrown away from the residence. The respondent no.5 will definitely have a proportionate area to enjoy but at the same time the petitioner being 78 years old lady is also entitled to enjoy the residence or the shared household.

In the circumstances, I direct the learned advocate for the State to communicate with the Officer-in-Charge, Lake Town Police Station to ensure that a lady police personnel will accompany the petitioner who would enter the residence, stay at a proportionate area in the residence concerned without

infringing the right of the respondent no.5. Every alternate day the concerned lady police personnel will visit and submit a report before the Inspector-in-Charge/Officer-in-Charge, Lake Town Police Station and assess whether any harassment, humiliation or the parties create a tensed atmosphere, in case the situation calls for interference the Inspector-in-Charge will intensify the visit of the lady police personnel. Such arrangement would continue for a period of four weeks from date.

In the meantime, petitioner would approach before the appropriate authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The petitioner would be bound by any direction passed by the concerned tribunal.

With the aforesaid observations, WPA 28684 of 2024 is disposed of.

There will 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.

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

(Tirthankar Ghosh, J.)