

D/L 77
30.01.2025
Bpg.
ct.no.35

W.P.A.1604 of 2025

**Lovely Das
Versus
The State of West Bengal & Ors.**

Mr. Nirmalendu Bera
Mr. Gora Chand Samanta
Ms. Gopa Das.
...for the petitioner.

Mr. K.J. Yusuf
Mr. Parikshit Goswami.
...for the State-respondents.

Mr. Akash Mandal
Mr. Wrickbrata Roy
Ms. Anushka Ghosh
Mr. Iswar Das
Mr. S. Chatterjee.
...for the respondent nos.4 to 6.

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

Petitioner is aggrieved by the fact that she is
unable to stay at her matrimonial home with her
husband and to that effect has made complaint with
the police authorities including the factum of assault
being inflicted upon her. Learned advocate appearing
for the petitioner has drawn the attention of the Court
to the injury report also. Records of the writ petition
also reflect that there are two cases Gosaba Police
Station Case No.332 of 2024 and Gosaba Police
Station Case No.333 of 2024.

Learned advocate appearing for the private respondent nos.4 to 6 submits that the prayer which was advanced before the learned Magistrate under the relevant provisions of the PWDV Act has been dismissed for default. The jurisdiction for alternate accommodation or residential right is exclusively under the relevant provisions of the law.

State has submitted a report. Report reflects that series of cases have been registered. Last of such case as is reflected was registered on 12th January, 2025 wherein on the complaint of the petitioner and the private respondents, Gosaba Police Station Case No.13 of 2025 and Gosaba Police Station Case No.14 of 2025 have been registered.

Having considered that the petitioner and the private respondents are at loggerhead, police authorities would keep a strict vigil so that there is no breach of the peace and/or tranquility at the locale. So far as the residential right is concerned, the learned jurisdictional Magistrate would consider the same in accordance with law.

With the aforesaid observations, WPA 1604 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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.)