

16.07.2025
Court No. 35
M/L. No.777
Rakib

W.P.A. 3762 of 2024

**Pushpa Devi Harlalka
VS
The State of West Bengal & Ors.**

Mr. Avik Ghatak

...for the Petitioner.

Mr. Tarak Karan.

...for the State

Mr. Jayanta Narayan Chatterjee, Sr. Adv

Mr. Supreem Naskar

Ms. Jayashree Patra

Mr. Bhaskar Mondal

...for the respondent no.6.

Liberty is granted to the appellant to add State as a party.

The subject matter of the writ petition reflects a dispute between the mother-in-law and the daughter-in-law (respondent no.6). There is a complaint that the respondent no.6 has been creating disturbances at the residence. However, the records reflect that the proceedings under the provision of PWDV Act were initiated and pursuant to the direction so passed the police authorities executed the order. It has been brought to the notice of this Court that there was an interim order under Section 29 of the PWDV Act. However, the police authorities prior to the interim order having been passed has put into execution the order passed by the learned Magistrate.

Mr. Karan learned advocate has submitted a report which reflects that the police authorities extended

their assistance only on the basis of the order dated 24.11.2023.

The State when confronted referred to following paragraphs:

“...All Respondents are hereby directed not to commit any act of domestic violence henceforth against the aggrieved person either themselves or through their agent or through their relatives at any point of time whatsoever and they shall not interfere with the personal affairs of the aggrieved person.

The I.C/OC of the concerned P.S. is directed to ascertain that that instant order is properly being implemented....”

The petitioner’s grievance is that there was no direction for residential right being granted in the order dated 24.11.2023 and the police authorities exceeded their rights by way of forcing the applicant in the PWDV Act proceedings and said act of the police authorities were without any jurisdiction.

Learned advocate appearing for the private respondents are present.

Since the Appeal Court is already in seisin of the issue, I direct the Appeal Court to dispose of the appeal by taking into account whether the reliefs under the PWDV Act incorporated in the order the residential rights being granted, and/or the circumstances were such that

the petitioner was earlier staying and the police authorities extended help.

To that effect the Appeal Court would also decide the issue whether the police had exceeded the jurisdiction which was not vested upon them.

With the aforesaid observations WPA 3762 of 2024 is disposed of.

Needless to state that, since no affidavits have been called for, the accusation made in the writ petition are deemed not to have been admitted.

The Appeal Court would also consider that this Court has not entered into the merits of the case but only based the observations having limited scope to interfere in the proceedings under the provisions of PWDV Act when an appeal is pending before the Statutory Court.

Report so submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)