

06.05.2025
Item No.48
Ct. No.35
dc.

W.P.A. 9084 of 2025

XXX
versus
The State of West Bengal & Ors.

Mr. Akash Sarkar ... For the Petitioner.

Mr. Jaharlal Dey,
Mr. Durga Bhusan Mukhopadhyay ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner being the mother-in-law has claimed that she has been thrown out from her residence because of an order passed under the provisions of PWDV Act, 2005 by the learned Judicial Magistrate, 4th Court, Durgapur.

The residential orders, if any passed by the learned Judicial Magistrate, 4th Court, Durgapur presumably will be a proportionate part for an individual to enjoy in a property or exercise his residential right, but the same cannot in any manner take away the right of others in the shared household.

Report submitted by the police authorities substantiate the contentions of the petitioner who happens to be the mother-in-law and has been

thrown away from the property. Accordingly, the petitioner is granted liberty to approach the learned Judicial Magistrate, 4th Court, Durgapur who would consider the number of rooms available at the house, number of exit and entries at the residence and would in a proportionate manner earmark the residential right to be enjoyed by each and every party who are supposed to be residing at the shared household. If any application is filed by the petitioner, the same should be disposed of by the learned Judicial Magistrate, 4th Court, Durgapur preferably within a period of 15 days from the date of filing of the application.

With the aforesaid observations, the writ petition being WPA 9084 of 2025 is disposed of.

There will be no order as to costs.

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.)