

19.05.2025

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MAT 806 of 2023

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IA No.: CAN 1 of 2023

Mukti Ghoshal

– *Versus* –

The State of West Bengal & Others

Mr. S. N. Arefin,

Mr. Partha Chakraborty

... for the Appellant.

Mr. Amal Kr. Sen,

Mr. Jaladhi Das

... for the State/Respondents.

Mr. Parashar Baidya.

Mr. Saikat Mondal,

Mr. Debdutta Karmakar,

Ms. Shree Mukherjee

... for the Private Respondent no. 7.

The present appeal has been preferred challenging an order dated 12th April, 2023 passed by the learned single Judge in the writ petition, being WPA 4807 of 2023.

It appears that the writ petition was preferred by one Sandhya Ghosal (in short, Sandhya), the mother-in-law of the present appellant alleging that she had been forcibly ousted from her residential property. By the impugned order, the learned single Judge directed that Uttarpara Police Station shall escort Sandhya back into her house and that the appellant and her husband being the respondent no.6 shall be sternly and stringently warned by the police against causing any harm to Sandhya. It was also observed that in the event any further complaint is lodged by Sandhya, the police authorities may take the

appellant and her husband in custody and thereafter, they shall not be allowed to enter into their house.

Mr. Arefin, learned advocate appearing for the appellant submits that the dispute between the parties has been resolved and he prays for expunction of the observations to the effect that Uttarpura Police Station may take the appellant and her husband in custody and that they shall not be allowed to enter into the house thereafter.

He further submits that it was not disclosed before the learned single Judge that the appellant was enjoying an interim order passed by the competent forum under the Prevention of Women from Domestic Violence Act, 2005 (in short, the said Act).

Mr. Baidya, learned advocate appearing for Sandhya being the respondent no.7 herein does not dispute the fact that presently the appellant, her husband and Sandhya are residing together in the same house in separate rooms. He, however, disputes the contention of Mr. Arefin that the interim order obtained in the application under the said Act by the appellant is subsisting as on date.

Mr. Sen, learned Additional Government Pleader appearing for the State/respondents submits that necessary enquiry was conducted and the appellant as well as the respondent nos.6 and 7 appeared before the police authorities and undertook that henceforth they would be peacefully residing in the same house.

Having heard the learned advocates and considering the fact that the dispute between the appellant, her husband and Sandhya has been resolved and as they have undertaken that henceforth they would be peacefully residing in the same house, we are of the opinion that the observations made in the impugned order that in the event any further complaint is lodged by Sandhya, the police authorities may take the appellant and her husband in custody and that thereafter they shall not be allowed to enter into their house, have become redundant. In view thereof, nothing remains to be decided in the present appeal and the same alongwith the connected application is disposed of.

Needless to observe in the event of any dispute arises amongst the parties in future, appropriate steps would be taken by the concerned police authorities upon hearing all the parties.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)