

D/L 46
25.06.2025
Bpg.
ct.no.35

W.P.A.12027 of 2025

**Parul Dhali Biswas
Versus
State of West Bengal & Ors.**

Mr. Gaurav Kumar Nath
Mr. Tamal Singha Ray.
...for the petitioner.

Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Diptendu Narayan Banerjee
Mr. Soumen Chatterjee.
...for the State-respondents.

Mr. Mrinal Kanti Mukherjee
Mr. Dipanjan Biswas.
...for the respondent no.5.

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

Petitioner is aggrieved by the fact that
because of the order being passed in connection with
C. Case No.04/2023 which is a residential
accommodation being provided by the learned
Judicial Magistrate, Bongaon, North 24 Parganas in
connection with C. Case No.04 of 2023 by its order
dated 16.12.2024, the police authorities are trying to
throw her away from the property.

The order passed by the learned Magistrate in C. Case No.04 of 2023 is under the provisions of the PWDV Act, 2005. Section 29 of the said Act provides for provisions of appeal in case a party or an affected party is aggrieved by the orders. As an alternative and efficacious remedy is available to the petitioner, I am not inclined to interfere with the order passed by the learned Judicial Magistrate, Bongaon in C. Case No.04 of 2023.

State has submitted a report. Let the same be kept with the record.

Learned advocate for the private respondent no.5 is present and submits that the husband has not been made a party.

Be that as it may, since statutory provision is available, petitioner would be at liberty to approach the jurisdictional appeal court which will also consider the period of delay because of pendency of the present writ petition.

With the aforesaid observations, WPA 12027 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted 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.)