

15.05.2025

Court No.35
Sl. No.30
Mujahid

WPA 12455 of 2023

**Ummey Rumman Molla
Vs.
The State of West Bengal & Ors.**

Md. Shamim Halder

...for the petitioner

Mr. Suddhadev Adak,
Ms. Richa Pramanik

...for the State

Learned advocate appearing for the petitioner submits that petitioner is the wife who has been thrown out of the matrimonial residence along with her child. Information was furnished to the Inspector-in-Charge, Sonarpur Police Station as well as Inspector-in-Charge, Baruipur Woman Police Station on or about 27th April, 2023, but no steps were taken by the concerned police stations.

Learned advocate for the State submits that since an alternative and efficacious remedy is available, this Court under Article 226 of Constitution of India should not interfere with the prayers so advanced by the petitioner.

Having considered the nature of the prayers which have been advanced and the genesis of the case being a matrimonial dispute, I am of the view

that if the petitioner is aggrieved for establishing her residential right she would approach the jurisdictional Magistrate under the relevant provisions of the PWDV Act, 2005. If such an application is made to the learned Magistrate, learned Magistrate would consider the application as expeditiously as possible within the framework of the said law.

With the aforesaid observations WPA 12455 of 2023 is disposed of.

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.)