

November 10, 2025
(26) ARDR

WPA 14540 of 2023

Kanchan Karmakar & ors.
Vs.
The State of West Bengal & ors.

Adv. Surya Prasad Chattopadhyay,
Adv. Arjun Samanta,
Adv. Trishtrya Mukherji,
Adv. S. Nandi,
...for the petitioners.
Adv. Prabir Majumder,
Adv. Sangeeta Chakraborty,
...for the respondent nos. 4 to 6.
Adv. Ashim Kr. Ganguly,
Adv. Jyotsna Ray Mukherjee,
....for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The property in question admittedly belonged to the husband of the 1st petitioner. The 2nd and 3rd petitioners are her daughters, the 4th respondent her son and the 5th respondent is the wife of the son. The 1st petitioner alleges that she is restrained from entering her room in the property by the private respondents. She lodged a complaint in this regard before the police authority on 19th May, 2023 but no step has been taken.

Opposing the contention of the petitioners, learned counsel for the private respondents submits that the property is a joint undivided property which is occupied by both the 1st petitioner and the private respondent nos. 4 and 5. Learned counsel submits that the 1st petitioner left the house voluntarily and has not been restrained by the private respondents from entering thereto. If the 1st

petitioner seeks to enter her room today also, she can do so without any resistance from the private respondents.

In view of the above, this Court records that the 1st petitioner is at liberty to enter her room in the premises in question as and when she desires. No resistance shall be offered by the private respondents in her entering the said room. In the event the 1st petitioner faces any resistance in this regard, she shall approach the police authority who shall render necessary assistance to her so that she is able to enter her room and reside there peacefully. The police authority is also directed to keep vigil over the area in order to avoid breach of law and order.

With the above direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)