

Sl.No.

6

28.01.2025

Court

No. 35

G.S.Das

WPA 18291 of 2024

Smt. Mousumi Mukherjee nee Chakraborty

-Vs-

The State of West Bengal & Ors.

Mr. Ananda Mohan Kundu

... for the petitioner(s)

Mr. Indranil Roy

Mr. Srikanta Paul

Mr. Md. Arif Ansari

... for the State-respondent(s)

Ms. Pinki Chakraborty

... for the private respondent nos. 10-15

The petitioner apprehends that she may be thrown out from her matrimonial home.

The records of the case reflects that the petitioner already has approached the jurisdictional Magistrate under the statutory provisions of PWDV Act, wherein, the learned Magistrate has been pleased to pass necessary order(s) and/or direction(s) under Section 23(2) of the PWDV Act which includes amongst others that the petitioner should not be anyway

thrown out from her matrimonial home.

State has submitted reports. Let the same be kept with the record.

In view of the learned Magistrate already *in seisin* of the issues canvassed in the writ petition *vide* C - 1995 of 2021, I am of the opinion that if there is any non-compliance of the order(s) and/or direction(s) passed by the learned Magistrate, the same should be invoked by way of applying under the relevant provisions of the execution proceedings. This Court under Article 226 of the Constitution of India do not find any scope for interference in respect of the issues relating to matrimonial discord and/or any involvement of the police authorities until the situation so arise.

With the aforesaid observations, WPA 18291 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)