

D/L 20
02.09.2025
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ct.no.35

W.P.A.19502 of 2025
With
CAN 1 of 2025

Shefali Banik
Versus
The State of West Bengal & ors.

Mr. Debabrata Ray
Mr. Bikash Chowdhury
Mr. Sarbani Mukhopadhyay
Mr. Soumik Mondal.
...for the petitioner.

Ms. Jayeeta Sinha
Mr. Sandip Mandal.
...for the State-respondents.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
Ms. Deblina De.
...for the respondent nos.5 and 6.

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

Petitioner has approached this Court as she
along with her husband has been thrown away from
the residence by the respondent nos.5 and 6. Learned
advocate for the petitioner draws the attention of the
Court to the earlier order passed in WPA 11426 of
2023 and submits that subsequent to such order,
petitioner had been to the house and was residing but
subsequently there has been torture which was

inflicted and consequent to which, Chakdah P.S. Case No.348 of 2024 was registered for investigation.

Records reflect that series of criminal cases inter se the parties are pending.

In view of the report submitted by the police authorities, I find that earlier pursuant to the directions passed in WPA 11426 of 2023, the petitioner and her husband were provided with necessary assistance for entering the residence. However, the report of the police authorities presently reflects that the petitioner is staying with the younger son at a different location being Konnagar, P.S. Uttara para, Hooghly.

The main contention of the learned advocate appearing for the petitioner is that because of the torture inflicted by the private respondent nos.5 and 6, the petitioner and her husband are unable to stay at the residence which is owned by the petitioner.

Learned advocate for the respondent nos.5 and 6 denies and disputes the contentions and further submits that there has hardly been any incident which led the petitioner and her husband to leave the residence and circumstances have been created to embarrass the respondent nos.5 and 6.

It has also been brought to the notice of this Court that pursuant to the order passed in WPA

11426 of 2023, the Maintenance Tribunal dismissed the application under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Having considered the overall circumstances and the fact that there is a family feud and the police authorities in their report has stated that they are ready and willing to render all possible arrangement and assistance if the petitioner intends to stay at her residence within the jurisdiction of Chakdah Police Station, I direct that the petitioner would inform the Inspector-in-Charge, Chakdah Police Station who would provide necessary assistance if any sort of inconveniences are faced by the petitioner and her husband while entering the residence. For a period of 30 days, every alternate day, a lady police personnel be engaged who would visit and enquire as to whether the petitioner and/or husband is facing any inconveniences at the behest of the respondent nos.5 and 6.

So far as the demarcation within the residence is concerned, the petitioner would continue to enjoy the same portion which she had been enjoying earlier before she had either left or thrown out of the residence.

Since it has been informed that the Tribunal has disposed of the application under the relevant

provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, I direct that the petitioner would be at liberty to approach the Tribunal afresh within the aforesaid period of 30 days. The concerned Tribunal would after issuing notice pass necessary directions as it deems fit and proper. It is further directed that in case the situation blows out of proportion, the lady police personnel would report to the Inspector-in-Charge, Chakdah Police Station who would take steps in accordance with law ensuring the safety and security of the petitioner and her husband.

With the aforesaid observations, WPA 19502 of 2025 and CAN 1 of 2025 are disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)