

12.11.2025
rc/ct.no.26
Item No.03

WPA No. 23119 of 2025
Gita Debnath (Nath)
Versus
State of West Bengal & Ors.

Ms. Joyita Ray ..for the petitioner

Mr. Sanat Kumar Das
Mr. Suvadip Bhattacharya
Mr. Rohan Bavishi
...for the respondent nos. 6 & 7

Mr. Suman Sengupta
Ms. Shibani Banerjee ...for the State

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is an old lady and the private respondents are her younger son and daughter in law respectively. The private respondents insisted on her transferring her property in their favour and tortured her on her refusal to do so. The petitioner filed a writ petition before this Court and by an order passed on May 05, 2025 in WPA No. 8807 of 2025, this Court directed the police authorities to ensure that the petitioner was not obstructed from enjoying a portion of the property which she was enjoying at that time, subject to order passed in the proceeding under the Protection of Women from Domestic Violence Act. This Court further directed the police authorities to

see that the respondents were not thrown away from the property without an order from the court of law and also to ensure that there was no breach of peace and tranquility and no untoward incident took place due to strained relationship between the parties.

Learned counsels submits that after the said order was passed the torture upon her aggravated and she was severely assaulted by the private respondents for which she lodged complaint before the police authority which was diarised.

Learned counsel for the private respondents denies and disputes the contention of the petitioner.

Learned counsel for the State submits that the police authority has been complying with the direction of this Court given vide order dated May 05, 2025. The proceeding under the PWDV Act is pending.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the proceeding under the PWDV Act is pending, the petitioner is at liberty to ventilate her grievance before the said Court. This Court is informed that as many as five proceedings under Sections 126/135 of the BNSS have been drawn up pursuant to complaints lodged by the petitioner.

Learned counsel for the State submits that the police is continuing to keep sharp vigil in the area so as to avoid

any untoward incident and to maintain peace and tranquility.

This Court directs the police authority to continue to comply with the order dated May 05, 2025 so that the petitioner is not driven out of her residential house and no torture is meted out upon her by the private respondents.

With the above observations and directions this writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)