

WPA 27762 of 2025

Smt. Dipali Das
Vs.
The State of W. B. & Ors.

Mr. Sattwik Bhattacharya
Mr. Aashutosh Bhattacharya
Mr. Aritra Roy ...for the petitioner.

Mr. Suman Ghosh
Mr. Moniruzzaman ...for the State.

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

The private respondents are not represented despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is a retired lady who resides in her self-acquired property. The 5th respondent who is her second son married the 6th respondent and the 7th respondent was born in the said marriage. The 5th and 6th respondents parted ways by virtue of a decree for mutual divorce under Section 13B of the Hindu Marriage Act on 1st August, 2005 and a money receipt was issued by the 6th respondent stating that she had received the entire maintenance allowance and had no further claim against the 5th respondent.

However, the 6th respondent returned to the petitioner's house in 2021 and started residing there with the 5th and 7th respondents.

Since then, the private respondents are disturbing the peaceful possession of the petitioner therein and assaulting and torturing her in various ways and threatening to disposses her from the house.

The petitioner lodged several complaints before the police authority and made an application for eviction of the private respondents which is pending.

It appears from the report submitted by the State that the complaints lodged by the petitioner have been registered and specific cases started. Charge sheets have been submitted upon completion of investigation.

The 6th respondent also lodged a complaint against the petitioner under Section 85 of the BNS and other allied sections wherein charge sheet has been submitted after completion of investigation. The matters are pending before the learned Trial Courts and the parties have been granted bail.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the civil as well as criminal cases pending by and between the parties shall take their own course in accordance with law.

In the meantime, the police authority is directed to keep strict vigil over the area in order to avoid any untoward incident in view of the strained relationship

between the parties and to ensure maintenance of peace and tranquility.

The police shall render necessary assistance/protection to the petitioner as and when sought in order to enable her to reside in her house peacefully and without any disturbance whatsoever by the private respondents.

The writ petition is accordingly 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.)