

D/L 59
14.01.2025
Kausik
ct.no.35

W.P.A. 30926 of 2024

**Chaitali Gupta
Versus
State of West Bengal & Ors.**

Mr. Dyutiman Banerjee
Mr. Vishal Mallick

...for the petitioner.

Mr. Wasim Ahmed
Mr. Shahabuddin

...for the state.

Affidavit of service so filed be kept with the record.

The enclosures to the writ petition reflect that the learned Judicial Magistrate, 2nd Court, Bolpur, Birbhum in Misc. Case No. 06/2019 was pleased to direct/restrain the respondents from dispossessing the petitioner without due course of law or in any manner disturbing the possession of the petitioner from the shared household till disposal of the said case.

The said order is still in subsistence and there is nothing on record to show that the order relating to residential right of the petitioner has been varied or modified by any court of law.

Records also reflect that so far as the electricity connection is concerned on 19.08.2024 in

WPA No. 14784 of 2024, directions were passed by a co-ordinate bench.

Petitioner complains that subsequent to 19.08.2024 she has been thrown out of her residence.

The co-ordinate bench also directed the husband to reside in the ground floor and not to disturb the petitioner.

Be that as it may if the petitioner has been thrown out of her residence without any order from a court of law, the petitioner would approach the police authorities in view of the directions already existing in Misc. Case No. 06/2019 as also WPA No. 14784 of 2024. Petitioner to that extent would inform the police station 48 hours ahead of time. The concerned police station being the Bolpur Police Station would deploy accordingly to allow the petitioner to enter her residence. A lady police constable be deployed every alternate day to ascertain as to whether any physical or mental torture or any circumstances are created for throwing the petitioner out of the residence.

In view of the order of the Magistrate already existing upon the Officer-in-Charge of the concerned police station, further orders from this court are uncalled for.

The concerned Officer-in-Charge will comply with the directions passed by the learned Judicial Magistrate, 2nd Court, Bolpur, Birbhum.

With the aforesaid observations WPA 30926 of 2024 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)