

February 3, 2026
(15) ARDR

WPA 1456 of 2026

Smt. Vandana D Raval
Vs.
The State of West Bengal & ors.

Adv. Debanjan Mukherjee,
Adv. Joyti Roy Chowdhury,
Adv. Shirsha Banerjee,
... for the petitioner.

Adv. Dipanjan Chatterjee,
Adv. Dibyendu Bhattacharya,
Adv. Prateep Bera,
Adv. Sananda Bhattacharyya,
Adv. Ripma Adhikari,
Adv. Kakan Das,
...for the respondent no.5.

Adv. Ashim Kr. Ganguly,
Adv. Debasis Sur,
...for the State.

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

It is not in dispute that the petitioner and the 4th respondent are joint owners of the house in question. The petitioner alleges that she is driven out of the house by the private respondents who are her son and daughter in law respectively and is constrained to remain elsewhere. She seeks to return to her house and reside there safely and peacefully.

Denying such allegations, learned counsel for the private respondents submits that the petitioner has alternative efficacious remedy and the writ petition is not maintainable.

Learned counsel for the State submits that pursuant to the complaint lodged by the petitioner against the

private respondents, a specific case has been registered and investigation is in progress. Notice under Section 35(3) of the BNSS has been served upon the private respondents. They have obtained bail. The police authority sought to render assistance to the petitioner which was denied by latter.

Such contention is denied and disputed by the petitioner.

Since admittedly the house in question belongs to the petitioner and the 4th respondent jointly, the petitioner has a right to return thereto and reside there peacefully. She has approached this Court for violation of her fundamental right guaranteed under Article 21 of the Constitution of India. On prayer of the petitioner, liberty is granted to take necessary steps under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the appropriate forum.

Since the petitioner seeks to return to her house, she is directed to approach the Officer in charge, Regent Park Police Station, being the 3rd respondent herein, intimating the date and time for her intended return. The 3rd respondent shall render necessary assistance to the petitioner so that she is able to return to her house and reside there peacefully and safely without any disturbance from any corner whatsoever. The 3rd respondent shall depute a lady officer of his choice who will keep vigil at the house in question and visit the house every alternate day

for a period of four weeks in order to assess whether any cruelty/torture is meted out upon the petitioner by the inmates of the house and to ensure her safety and security. Since the petitioner and the 4th respondent are joint owners of the house, it is expected that both the parties are abide by the principle of live and let live and not disturb the peaceful possession of each other.

With the above direction, the writ petition is disposed of.

There shall however, be no order as to costs.

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