

WPA 10650 of 2026

Anjana Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Prasad Bhattacharyya

...for the petitioner

Mr. Rajdeep Majumder

Mr. Rajen Dutta

...for the State

Dr. R.P. Motilal

Mr. Milan Kumar Maity

Mr. Shubhan Banerjee

Mr. Shubhadeep Chanda

...for the respondent no. 4

1. Affidavit of service filed on behalf of petitioner is taken on record.
2. By presentation this writ petition, *inter alia*, petitioner has prayed for implementation of the order dated 18th October, 2023 passed by Court below in a proceeding under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'said Act of 2005'). It is submitted that order dated 18th October, 2023 is not complied with by making payment by the opposite party.
3. In addition thereto, it is also submitted that jurisdictional Magistrate issued Distress Warrant on 20th September, 2024 against husband of petitioner and by presenting this writ petition prayer is made for issuance of

mandamus for execution of Distress Warrant issued on 20th September, 2024.

4. Mr. Majumder, learned Additional Advocate General represents State respondents submits that there are relevant provisions empowering jurisdictional Magistrate for ensuring recovery of money in view of issuance of Distress Warrant issued against husband of petitioner.
5. Having considered the case made out in this writ petition whereby mandamus is sought for implementation of the order dated 18th October, 2023 passed in a proceeding under said Act of 2005 as well as execution of Distress Warrant, writ Court while exercising jurisdiction under Article 226 of Constitution of India is not an appropriate forum for implementation of the order passed by the jurisdictional authority under said Act of 2005 nor writ Court is a forum for execution of Distress Warrant.
6. Hence, Court is not inclined to interfere with this writ petition and same stands dismissed.
7. However, this order shall not preclude the petitioner to approach the appropriate forum in pursuit of remedy.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)