

February 3, 2026
(19) ARDR

WPA 20415 of 2023

Susmita Roy (Sarkar)

Vs.

The State of West Bengal & ors.

Adv. Ramkrishna Bhattacharjee,
Adv. Koushik Chowdhury,
Adv. Dwaipayan Panda,
Adv. Tridib Das,

... for the petitioner.

Adv. Wasim Ahmed,
Adv. Sk. Md. Masud,

...for the State.

The petitioner is the daughter in law of the 5th respondent and alleges that the private respondents who are members of her matrimonial family have driven out her husband and herself from the house in question which admittedly belongs to the 5th respondent. The petitioner seeks to reside in the said house with her husband.

Learned counsel for the State points out that a civil suit has been filed by the 5th respondent before the learned Civil Judge (Junior Division) Raiganj, Uttar Dinajpur being Title Suit no. 87 of 2023 seeking declaration of title and an order of permanent injunction restraining the petitioner from grabbing any portion of the property. The suit is subjudice.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that it is not in dispute that the house in question belongs to the 5th respondent and the petitioner can at best be termed as licensee under her therein. In an earlier writ petition filed

by the 5th respondent being WPA 28886 of 2022 a coordinate Bench of this Court by an order passed on 17th April, 2023, directed that this petitioner be escorted back to her house by the police authority. The said order was set aside by an Hon'ble Division Bench by an order passed on 6th July, 2023 in MAT no.942 of 2023 with an observation that the order and direction issued by the learned single Judge was wholly beyond the jurisdiction conferred on the Court under Article 226 of the Constitution of India. The Hon'ble Bench also recorded the matter was left open to the appellant and the respondent to work out their rights before the appropriate forum in accordance with law.

A civil suit filed by the 5th respondent against her husband is pending. The petitioner is at liberty to ventilate her grievance before the learned trial Court. The writ petition is devoid of any merit and is liable to be dismissed.

The writ petition is accordingly dismissed.

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.)