

49
19.01.2026
Court No. **5**
D.Hira

WPA 24857 of 2025

Tilak Goswami
Vs.
State of West Bengal & Ors.

Mr. Ashim Kumar Routh,
Mr. Subhayan Barik,
Ms., Ananya Mondal.
... for the petitioner

Mr. Surajit Basu,
Ms. Jasika Alam.
... for the respondent nos. 5 and 6

Mr. Suman Ghosh,
Mr. Sankha Prasad Ray.
... for the State

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

Learned counsel for the petitioner submits that the petitioner is admittedly the owner of the house and following matrimonial dispute between his wife (respondent no. 5) and himself, he has been ousted from the house with his younger son.

The ground floor of the house is occupied by his wife and the elder son being the respondent nos. 5 and 6 herein.

The petitioner seeks police assistance to return to his house.

Learned counsel for the private respondents submits that due to continuous torture meted out upon the respondent no. 5 by the petitioner, several civil as well as criminal proceedings are pending between the parties at the behest of the respondent no. 5.

Learned counsel for the State submits that several matrimonial disputes are pending between the parties and the petitioner has been staying elsewhere with his younger son since 2017. Two criminal cases lodged against the petitioner have culminated into charge-sheet upon completion of investigation. A divorce suit filed by the petitioner against the respondent no. 5 is pending. The title suit and a proceeding under the Protection of Women from Domestic Violence Act filed by the respondent no. 5 are also pending.

It appears that in the title suit filed by the respondent no. 5, the learned Trial Court, by an order passed on 17th October, 2023 has restrained the defendant (petitioner herein), from ousting the respondent no. 5 from the property in question without due process of law.

It is not in dispute that the petitioner is the owner of the house and the house comprises two floors of which one floor is occupied by the respondents no. 5 and 6.

In view of the above, this Court directs the Officer-in-Charge/Inspector-in-Charge, Khardah Police Station, being the respondent no. 4 herein, to render all possible assistance to the petitioner to enable him to enter the house alongwith his younger son and reside in the floor/storey which is not occupied by the respondent nos. 5 and 6.

The petitioner shall contact the respondent no. 4 intimating the date and time of his return and the respondent no. 4 shall render necessary assistance for the purpose.

The respondent no. 4 shall keep strict vigil in the area in order to ensure that both the petitioner and the respondent nos. 5 and 6 are able to reside in two different floors of the house without disturbing the peaceful possession of each other in any manner whatsoever.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)