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**CRR 1804 of 2026**

**Reserve Bank of India  
Vs.  
Lopamudra Singha Roy & Anr.**

Mr. Sandipan Ganguly, Sr. Adv.  
Mr. Anirban Dutta  
Mr. Debabrata Das  
Mr. A. Sarkar  
Mr. Pratik Acharjee ...for the Petitioner

Mr. Supratick Syamal  
Ms. Arkarupa Roy ..for the O.P. no. 1

Mr. Dipanjan Chatterjee  
Mr. Dibyendu Bhattacharya  
Mr. Prateep Bera  
Ms. Kakan Das  
Ms. Rimpa Adhikari ...for the O.P. no. 2

The petitioner is aggrieved with the order dated 29.8.2024 passed in Criminal Appeal no. 214 of 2024 by which the appellate court has granted stay of operation of the impugned order dated 29.7.2024 passed by the Trial Court.

The opposite party no. 1 herein, Lopamudra Singha Roy has preferred an application under Section 12 of the Domestic Violence Act along with a prayer for interim residence order under Section 23(1) of the Protection of Women from Domestic Violence Act (in short PWDV Act). The Trial court while disposing of the said application, had allowed the interim monetary relief in support of which, no challenge was preferred before the appellate court. However, appeal was preferred against other part of the

same interim order by which, the opposite party/husband was directed by the Trial court not to interfere with the peaceful possession and living of the opposite party no.1/wife at RBI staff quarter, D88, 16/5 Dover lane under Gariahat Police Station where she was residing at that point of time, being the wife of opposite party no.2 claiming if at shared household.

The husband/opposite party no. 2 herein made a submission before the Trial court that the complainant/wife obtained ex parte ad interim order under Section 23(2) of the PWDV Act on 2.9.2022 in respect of protection of her residence beside monetary relief. The said residence of the complainant is found to be a staff quarter under RBI and the husband is going to retire from service in the month of July, 2025. Therefore, the Trial court modified his earlier order to the following:

*“Considering such changed circumstances, order dated 2.9.22 hereby stand modified in respect of protection and residence order to the effect that complainant is hereby provided with right to reside peacefully in her shared matrimonial house situated at 45, Chetla Road, Kol-27 under Chetla PS instead of her earlier entitlement to reside peacefully at RBI Staff quarter, D88, 16/5 Dover lane (Shinghipark) under Gariahat PS.*

*Respondent husband directed not to interfere with the peaceful possession and living of the present complainant in her matrimonial house situated at 45, Chetla Road, Kol-27 under Chetla PS; in default respondent husband shall be liable to make payment of Rs. 15,000/- per month for alternative accommodation in addition to monetary relief to the effect of Rs. 22,000/- per month till the final disposal of the complaint u/s. 12 of the PWDV Act.”*

Being aggrieved by the aforesaid order, the opposite party no. 1 herein/wife preferred said criminal appeal being

no. 214 of 2024 and by the impugned order dated 29.8.2024, the appellate court while admitting the appeal, had also granted interim stay upon the above quoted order.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the petitioner/RBI is not a party to the proceeding either before trial court or before Appellate Court. However, the impugned stay order directly and adversely affects the proprietary and statutory right of the petitioner due to overstay at the staff quarter by opposite party no.1, flouting trial court's modified order and it caused grave prejudice to the petitioner. He further submits that residential accommodation provided by RBI to its employee purely stands as a service benefit, which cannot be retained or claimed as a shared household under the Protection of Women from Domestic Violence Act, 2005 particularly after the employee has superannuated or ceased to be in service. He further submits that the opposite party no. 2 herein retired from service on 31<sup>st</sup> July, 2025. Therefore, by extending the benefit beyond the period of service by granting stay order by the court below and permitting unauthorized detention of the petitioner's staff quarter by the opposite party no. 1 herein is not sustainable and therefore, the petitioner prayed for direction of early hearing of the said appeal and also for vacating impugned stay order along with an interim relief.

It is submitted on behalf of the opposite party no. 1 and 2 that they have already received the copy of the application.

Under the Act of 2005, a wife has a legally protected right to reside in a shared household and this protection applies to the properties owned, rented or legally possessed by the husband or the joint family.

However government quarters are provided for in service employees to perform their duties. Once the husband retires, the legal right to occupy the quarter ceases. Concerned staff is required to vacate the premises within a stipulated grace period, so that it can be allotted for the benefit of another in service staff. It is no more res-Integra that retiree has no fundamental right to shelter that can allow him to occupy government property for an indefinite period.

It is needless to say that such government property is exclusively owned by the government and the in service staff only holds it as a temporary license to reside there and therefore such government quarter cannot be classified as a permanent shared household after the husband's tenure to stay there ends. However aggrieved person's right of alternative accommodation can be directed elsewhere or to pay her rent, if she is entitled to get such benefit under the provision of the Act of 2005.

Having considered above, the instant application being CRR 1804 of 2026 is hereby disposed of with a

direction upon the court below to dispose of the Criminal appeal no. 214 of 2024 preferably within a period of three months from the date of communication of the order. The interim order by which the court below has granted stay dated 29.8.2024 stands vacated.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**