

*Daily List 6 .
Bpg.*

April 12,
2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No.2233 of 2021

**Jane Alam Laskar @ Janealam Laskar
Versus
The State of West Bengal and others**

Mr. Suvro Prokash Lahiri,
Mr. Sk. Nizamuddin,
Ms. Barnali Gupta.
...for the petitioner.

Mr. Ashim Ganguly,
Ms. Joyee Maiti.
...for the State.

Mr. Mayukh Maitra,
Mr. Rajesh Naskar.
...for the respondent nos.5, 6 and 10.

Affidavit-of-service filed in Court today be
kept on record.

The grievance of the writ petitioner is that,
despite a complaint having been lodged by the
petitioner with the police-authorities regarding the
private respondents violating the status quo order
passed by the competent civil court and regarding
threat to the life and property of the petitioner, the
police-authorities are sitting tight over the matter.

Learned counsel appearing for the private respondents vociferously disputes such contention and submits that the police report itself shows that the property-in-question is in possession of the private respondents. The allegations made by the petitioner on threats being issued are also denied by learned counsel for the private respondents.

Learned counsel appearing for the respondent-authorities files a report filed by the Officer-in-Charge of the Usthi Police Station which indicates that the possession of the disputed land is with the private respondents. It has further been mentioned in the report that an enquiry by the police-authorities revealed that the allegations regarding violation of the order of the civil court could not be substantiated by the petitioner. However, the police asked both the parties to comply with the said order of the civil court. As it appears from the nature of the allegations, unless the respective civil rights of the contesting parties in the suit are decided, there cannot be any direction on the police-authorities at this stage.

However, the petitioner is granted the liberty to approach the police-authorities in the event of any further offence being committed and/or the court of the appropriate Magistrate in the event the petitioner

is dissatisfied with enquiry report. That apart, it will be open to the petitioner and the private respondents to have their dispute relating to the disputed property adjudicated before the civil court.

It is made clear that the merits of the respective rights of the parties have not been gone into by this Court.

WPA 2233 of 2021 is disposed of in terms of the above observations by keeping on record the report filed in Court today.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)