

S/L 4
18.03.2021
Court. No. 16
SB

WPA 7066 of 2021

Saudamini Dinda
Vs.
State of West Bengal & Ors.

(Through Video Conference)

Mr. Shuvro Prakash Lahiri, Advocate
Mr. Sk. Nizamuddin, Advocate
Ms. Barnali Gupta, Advocate

...for the Petitioner.

Mr. Shambhu Nath Ray, Advocate
Ms. Sharmistha Roychowdhury, Advocate
Mr. Tirthaa Dey, Advocate

...for the Private Respondent.

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

From the affidavit-of-service it appears that service of the writ petition was effected on the concerned State respondents. Despite notice, the State is not represented. The private respondent being the fifth respondent is represented.

The writ petitioner seeks to challenge certain documents relating to the title of her alleged property executed in 1992 and the effect thereof. The writ petitioner being the mother of the fifth respondent claims that, the fifth respondent is creating obstruction and resistance to the peaceful possession, enjoyment and user of the writ petitioner on her land. The writ petitioner claims that she had lodged complaints before the local police station on

February 4, 2021 and February 15, 2021. From such complaints it appears that the case made out by the writ petitioner is that, her daughter is illegally trying to occupy the property on the basis of L.R. Records of Rights, which she claims to be recorded illegally. The grievance of the writ petitioner in this writ petition is that police authority had not taken any step pursuant to the complaints lodged by the writ petitioner.

After hearing the submissions made on behalf of the parties and considering the material before this Court, this Court is of the firm view that the dispute relates to a land and the recording in the relevant Record of Right pertaining to such land. This is clearly a civil dispute where the police authorities have nothing to do.

In view of the above, the present writ petition being WPA No. 7066 of 2021 stands dismissed.

It is made clear that in the event any appropriate civil proceeding is initiated at the instance of the writ petitioner, this order will have no effect thereupon and the same may be proceeded on its own merit in accordance with law.

There shall be no order as to costs.

(Aniruddha Roy, J.)