

06.12.2021.
Court No.13
Item No. 35
ap

**W.P.A. No. 9448 of 2020
(Through Video Conference)**

**Gita Samanta
Versus
The State of West Bengal & Ors.**

Mr. Sourabh Guhathakurata,
Ms. Rituparna Ghosh,
Mr. Sourav Sardar.

...For the petitioner.

Mr. Raja Saha,
Mr. Amit Kumar Ghosh.

...For the State.

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

Counsel for the petitioner Mr. Ghosh has ably
presented her client's case. It is submitted that the
petitioner is being obstructed by the private
respondents in the process of making construction in
place and stead of her existing tenements. It is further
submitted that the private respondents have assaulted
the petitioner.

Counsel for the State, Mr. Saha, submits a
report in the form of instructions from the Inspector-
in-charge, Bhadreswar Police Station. It is submitted
that on receipt of a complaint from the petitioner an
enquiry was made. The petitioner's residence is on
joint property.

The private respondents allege that under the
garb of effecting construction, the petitioner may be
encroaching upon the land of the other co-sharers. A

civil suit is pending between the petitioner and the private respondents being Title Suit No. 336 of 2019 before the Court of the learned Civil Judge (Senior Division), Chandannagar, Hooghly.

It is also submitted that in view of the allegations of the petitioner against the private respondents, proceedings under Section 107/116(3) of the Code of Criminal Procedure have been drawn up by the Bhadreswar Police Station.

Counsel for the petitioner submits that a sanction for construction made by the petitioner has been lawfully obtained from the Chandannagar Police Commissionerate. The same is not relevant to the instant proceedings.

In that view of the matter, this Court does not see any inaction on the part of the police. The parties may thrash out their grievances in pending civil suit.

The Inspector-in-charge, Bhadreswar Police Station shall ensure that there is no breach of peace in the area and shall keep a regular vigil thereat.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)