

15.06.2022
Court No. 19
Item no.49
CP

WPA No. 7266 of 2022

Miss Jhuma Paul
Vs.
The State of West Bengal & ors.

Mr. Partha Chakraborty
Ms. Sharmistha China
....for the petitioner.

Mr. Amitesh Banerjee, Sr. St. Counsel
Mr. Tarak Karan
....for the State.

Despite service, none appear on behalf of the respondent Nos. 6 to 14.

The allegation of the petitioner is that the police authorities have not paid any heed to the innumerable complaints lodged by the petitioner against the atrocities of the respondent no. 6 to 14. Further allegation is that there exists a common passage in the locality which has been used by all the families who have their residential accommodation in the same locality. The said respondents allegedly have obstructed the ingress and egress of the petitioner through the common passage.

Reliance has been placed on a decree passed by a civil court in a suit filed by one Kalpana Mondal who had claimed to be the exclusive owner of the

common passage. The said suit was filed against the father of the petitioner and also against the respondent no. 14 and others. The civil court dismissed the suit, inter alia, recording that the passage was used for the ingress and egress of the persons in the locality.

Thus, the petitioner submits that as the civil court had already held that the passage over which the dispute has arisen was a common passage, the petitioner and her family members should be allowed to use the passage as per the order of the civil court, without any disturbance along with the respondent Nos. 6 to 14.

The police authorities have filed a report from which it appears that the complaint of the petitioner was entertained by the police authorities and investigation was done. The investigation ended with the filing of a final report. Report for prosecution under Section 107 Cr.P.C. has been filed against the family members of the petitioner. Narendrapur P.S. Case No. 391/22 was also started on the basis of a complaint lodged by the petitioner dated April 24, 2022 under Sections 447/323/354A/354B/500/509 IPC. Investigation is in progress. Police report is taken on record.

This court is of the view that the police investigation already initiated shall continue and be

concluded within a short period. However, when there is already a decree of the civil court, inter alia, holding that the passage was a common one, the police shall ensure that unnecessary harassment is not caused to the petitioner and her family members, while using the passage.

Parties must maintain the law and order and use the common passage without disturbing each other. This order is subject to any order that may be passed by a civil court, at a later stage.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)