

27.06.2022

Sl. No.57

ss

W.P.A. 10488 of 2022

Smt. Lakshidebi

Vs.

The State of West Bengal & ors.

Mr. Bhagbat Choudhury

Ms. Mousumi Arji

... for the petitioner

Mr. Sirsanya Bandhopadhyay

Ms. Tapati Samanta

... for the State

Mr. Shahanawaz Khan

Mr. A. H. Khan

... for the respondent no.5

Affidavit of service filed in Court is taken on record.

As per the enquiry made by the police authorities on the basis of the complaint lodged by the petitioner, it transpires that the dispute is regarding right, title, interest and possession of a shop room.

The petitioner claims her title through a deed of gift. The respondent no.5 claims that her daughters have been bequeathed 70 sq.ft. in the shop room by the erstwhile owner (since deceased) by virtue of his last will and testament dated December 4, 2018. A copy of the registered will has been produced before this Court.

It is submitted by the petitioner that the major portion of the shop is in possession of the

petitioner and only the area where the water connection has been installed, has been taken blocked by the respondent no.5.

It is submitted by the respondent no.5 that the 70 Sq.ft., which has been bequeathed by will is separate from the 77 Sq.ft. of the stall, which was gifted to the petitioners.

The police authorities have directed the parties to maintain peace and tranquility. Prosecution under Section 107 and 116(3) of the Code of Criminal Procedure has been submitted.

Under such circumstances, nothing remains to be decided in this writ petition.

The police authorities cannot be directed to interfere in a dispute with regard to title of a property between the heirs of the deceased Late Mahabir Prasad. Such dispute has to be decided by a Civil Court.

The prayer for a direction upon the police authorities to remove the obstruction and allow the petitioner access to the portion which is in the possession of the respondent no.5, cannot be allowed. However, the police authorities will keep a vigil, so that the parties maintain law and order.

With the above observations, this writ petition is disposed of.

All parties are to act on the basis of website copy of this order.

(Shampa Sarkar, J.)