

30.06.2022
Sl. No.39
srm

W.P.A. No. 10657 of 2022
Sabita Banerjee
Versus
The Officer in Charge, Paikar Police Station & Ors.

Mr. Anirban Sarkar,
Mr. Tirthajit Roy Choudhury

...for the Petitioner.

Mr. Ashish Kumar Guha,
Mr. Naren Ghosh Dastidar

...for the State-respondents.

Mr. Sarajit Sen,
Mr. Tapas Singha Roy

...for the Respondent No.2.

Affidavit-of-service is taken on record.

The police authorities have already made an enquiry, pursuant to the complaint lodged by the petitioner. According to the police report, the dispute is civil in nature. The dispute is with regard to the deed of cancellation. Question is whether the deed of cancellation shall prevail over the original deed of gift, which was executed by the petitioner. Allegedly, the petitioner was misled and cheated into executing a deed in favour of the elder son Mr. Biswarup Banerjee. She was given the impression that she was granting a power of attorney in his favour to enable him to handover the property to Bharat Sevashram Sangha. Actually the respondent No.2 got her signature on the alleged deed of gift. The petitioner alleges that the misdeed was accepted by the respondent No.2. A deed of cancellation was also executed.

Challenging such deed of cancellation, which according to the respondent No.2, is a forged one, a civil suit is pending and an order of *status quo* has been passed. It also appears that there are claims and counterclaims. When the genuineness of the deed of gift and the deed of cancellation are subject matters of the civil suit, the police authorities need not be directed to investigate on the allegation of forgery at this stage.

The petitioner requested the police authorities to look into the matter and to prevent Biswarup Banerjee from fulfilling his illegal intention of grabbing the property. The learned Civil Judge (Senior Division), 1st Court at Rampurhat, passed an order of *status quo* in Title Suit No.46 of 2020. The suit is still pending.

The petitioner is at liberty to pray for necessary orders before the learned civil court. The police authorities shall ensure that the order of *status quo* passed by the civil court is implemented and shall keep a strict vigil to ensure that no untoward incident takes place over the property in question. The petitioner, who is an octogenarian, must be given adequate protection. In view of the order of *status quo*, the apprehension of the petitioner that the property may be sold away to a third party does not survive. All issues shall be decided by the civil court. The petitioner shall also not be deprived from visiting the suit property, at her own will.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)