

08.07.2022
Sl. No.77(ML)
srm

W.P.A. No. 11036 of 2022

Shipra Chanda

Versus

The State of West Bengal & Ors.

Mr. Prajnadeepta Ray

...for the Petitioner.

Mr. Ashish Kumar Gupta,

Mr. Naren Ghosh Dastidar

...for the State-respondents.

Mr. Chandan Kumal Lal

...for the Respondent Nos.6 & 7.

Affidavit-of-service is taken on record.

The allegation is that the respondent Nos.6 and 7 have been constantly torturing the petitioner, over a property dispute. The dispute arose after the petitioner was granted probate in respect of the property. The respondent Nos.6 and 7 are the brother and the nephew of the petitioner. It is alleged that the respondent Nos.6 and 7 tried to grab the property, which was bequeathed to the petitioner. Allegation is that they were involved in various illegal activities. The allegations of assault and use of filthy language have been made.

On the basis of the complaint, Khardah Police Station Case No.488 of 2022 dated June 17, 2022 under

Sections 447/341/323/506/34 of the Indian Penal Code was started. Available witnesses were examined under Section 161 of the Code of Criminal Procedure. Notices under Section 41A of the Code of Criminal Procedure were issued upon the accused persons. The accused persons, namely the respondent Nos.6 and 7 surrendered before the learned Additional Chief Judicial Magistrate, Barrackpore, and they were released on bail.

It is an admitted position that the dispute is with regard to right, title and interest over an ancestral property. The will has been probated in favour of the petitioner. However, there are allegations of assault and intimidation, etc. The police shall reach the investigation to its logical conclusion, in accordance with law. A sharp vigil in and around the premises by continuous patrolling shall be maintained. If similar incident occurs, the petitioner shall be at liberty to approach the police authorities, for protection.

The petitioner may approach the civil court for appropriate relief. The police authorities shall also ensure that the parties enjoy their respective portions peacefully and amicably, till further orders of the civil court.

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.)