

18.08.2022
Sl. No.1(SL)
srm

W.P.A. No. 13577 of 2021

Smt. Ila Chakraborty (Dutta)

Versus

The State of West Bengal & Ors.

Mr. Subrata Bhattacharjya,
Mr. Indranuj Dutta,
Mr. Bikram Basak,
Mr. Rahul Ghosal

...for the Petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Ayan Banerjee

...for the State-respondents.

Despite service none appears on behalf of the respondent Nos.5 to 8.

The petitioner alleges that the members of the local club through the secretary, who is the respondent No.8, are trying to grab the property situated at Plot No.341 of mouza Haidadpur, J.L. No.167, comprising of 4 cottahs. It is the contention of the petitioner that the property belonged to one Parul Bala Majumder and the petitioner claims through the said Parul Bala Majumder, since deceased. The property is still recorded in the name of the deceased. The allegation is that the local councillor instigated the club to continue with such illegal activities including the felling of the trees on the said land. It is

also alleged that such trees were taken away unauthorizedly. Accordingly, a complaint was lodged by the petitioner. As the police authorities did not take any steps, this writ petition is filed.

The police authorities were directed to file a report before this Court upon an enquiry.

Today, the Officer-in-Charge, Gobardanga Police Station has filed the report, which is taken on record. The police enquiry reveals that the dispute between the heirs of Parul Bala Majumder had been continuing over the ownership of the property in question. That a dispute amongst the heirs of the deceased Parul Bala Majumder has been going on since a long time. One Arati Mitra and Binoy Kumar Mitra resided in the disputed premises. In 2020, both Arati Mitra and Binoy Kumar Mitra expired. Thereafter, the petitioner and the other co-sharers, namely Maya Bose and Chaya Sikder started fighting amongst themselves over their shares in the property. The police enquiry reveals that the club did not stake any claim with regard to the property in question. Instead, the secretary of the club, namely Samir Paul tried to settle the dispute between the parties amicably. The police enquiry further reveals that the trees had been damaged and had been uprooted during Amphan. The

trees blocked the municipal road, which was later cleared up by the people in the locality. It is stated in the report that the police authorities are maintaining a sharp vigil over the property.

Learned Advocate for the petitioner submits that the police enquiry has not revealed the correct state of affairs. He alleges that there has been an intentional attempt on the part of the club to grab the property. It is also alleged that the felling of trees was an offence under the Indian Forest Act and the police authorities should have registered an FIR.

Having heard the learned Advocates for the respective parties, this Court finds that the allegation that the club was trying to grab the property cannot be adjudicated by this Court. The remedy of the petitioner would be before the appropriate civil court for necessary orders. The police enquiry specifically states that the club did not try to grab the property but was trying to settle the dispute between the co-sharers. The Secretary of the club has also not appeared before this Court to raise an alternative claim to title over the property in question, despite service. The other dispute between the co-sharers cannot be decided in this proceeding. The police enquiry reveals that trees were damaged during Amphan and the

specific result of the enquiry is that the club did not raise any claim to the property. The petitioner is at liberty to approach the forest authority with her allegations of illegal felling and removal of trees from the land. The police authorities will keep a vigil in order to ensure that peace is maintained. The specific statement of the police authorities that the club did not interfere with the possession of the petitioner is recorded.

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.)