

10.8.2022
Sl.No.93
sn

W.P.A. No.13690 of 2022

Aklima Bibi Mondal

Versus

The State of West Bengal & Ors.

Mr. Keshab Chandra Das

... for the Petitioner

Mr. Joydeep Banerjee

..for the State

Mr. Jyoti Prokash Chatterjee

..for the respdts.4-9

Let the affidavit of service be taken on record.

The petitioner alleges that the respondent nos. 4 to 9 have been disturbing the petitioner's enjoyment of plot nos.1077 and 1081, mouza Barandala.

It is the specific contention of the petitioner that despite several complaints lodged before the Monteswar Police Station, no steps have been taken by the police authorities. The allegation is that the said respondents not only resisted the petitioner's construction, but also injured the petitioner.

Mr. Chatterjee, learned advocate for the respondent nos.4 to 9 denies such allegation. It is specifically contended that the said respondents did not ever disturb the construction of the petitioner. On the contrary, it is submitted that the petitioner refused to execute a deed of sale in favour of the said respondents although there was an agreement for sale.

The police report is taken on record.

It appears that on receipt of the petitioner's complaint through post on June 25, 2022, an enquiry was made. The enquiry revealed that there were disputes with regard to the demarcation of the property between the petitioner and the respondent nos.4 to 6. The petitioner and the respondent nos. 4 to 6 are the relatives. All of them claim the property by inheritance. The property is an undivided property and there is no demarcation. The petitioner had received permission for construction of a foundation from Jamna Gram Panchayat. As the property was not demarcated, the respondent nos. 5 to 9 raised objection. A hot altercation took place and the construction was not started.

Apprehending breach of peace, a prosecution under Section 107 and 116(3) of the Code of Criminal Procedure was submitted against one Iman Sk and three others. The petitioner's son also alleged about an altercation and use of abusive language over demarcation of the property. A General Diary was registered against Hachen Sk and Kasem Sk.

Under such circumstances, the police authorities shall keep a vigil and ensure that the petitioner's possession is not disturbed in any way.

The other prayers are not considered for the purpose of disposal of this writ petition.

The remedy of the petitioner is before the appropriate forum/court.

This writ petition is 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.)