

121. 17.08.2022
(ML) Ct. No.19
Tanmoy

W.P.A. 14325 of 2022

**Nushrat Khan
-Versus-
The State of West Bengal & Ors.**

Mr. Golam Mohammad, Adv.

...for the petitioner.

Mr. Mohammad Khairul, Adv.

...for the respondent nos. 5, 6 & 7.

Affidavit of service is taken on record.

The dispute raised by the writ petitioner appears to be entirely a family dispute over the alleged shares of the parties in respect of a dwelling house. The petitioner claims through her deceased father. The respondent nos. 5, 6 and 7 claimed through the same predecessor of the petitioner. The respondent no.7 is the mother of the petitioner and the respondent nos. 5 and 6 are her brothers. The petitioner alleges that the said respondents had physically restrained the petitioner from entering into her paternal house. Hence, police protection is being prayed for so that the petitioner may enjoy the property along with the other legal heirs.

The issue with regard to the share of the petitioner and the right of the legal heirs including the petitioner and her mother and brothers, cannot be decided either by the writ Court or by the police authority. The petitioner has to approach the appropriate forum. However, the police

authority shall maintain a sharp vigil and ensure that the petitioner may enjoy the ancestral property, without any obstacle. The police shall ensure that all the parties maintain law and order and peace is maintained.

It is made clear that the petitioner shall not create any law and order problem and shall not disturb the respondents' right of residence in the premises. The proportionate shares and areas of occupation cannot be decided by this court.

The writ petition being W.P.A. 14325 of 2022 is disposed of. However, there will be no order as to costs.

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

(Shampa Sarkar, J.)