

22.8.2022
Sl.No.433
sn

WPA 15684 of 2021

**Nurjahan Bibi
Versus
The State of West Bengal & Ors.**

**Mr. Goutam Roy
...for the petitioner**

**Ms. Chaitali Bhattacharyya
Mr. Kartick Chandra Kapas
..for the State**

**Mr. Sarbananda Sanyal
..for the respdts.4-8**

The petitioner alleges police inaction.

It is stated that the Officer-in-Charge, Ranitala Police Station has failed and neglected to take steps on the basis of the complaint lodged by the petitioner on June 24, 2021.

It is the allegation of the petitioner that when the petitioner entered into her own land for cultivation, the respondent nos. 4 to 8 forcefully resisted the petitioner and also threatened to assault her.

Mr. Sanyal, learned advocate for the respondent nos. 4-8 submits that the writ petition should be dismissed due to suppression of the materials facts by the petitioner. Nurjahan Bibi had filed a suit before the learned Civil Judge, Junior Division, Additional Court, Lalbagh, Murshidabad. The suit was registered as O.S. 03 of 2012. The suit

was for declaration of title and permanent injunction and for further declaration that the Heba deed no. 2189 dated January 1, 2008 executed in favour of the respondent nos. 4 to 8 was void. The suit was dismissed. Title Appeal No. 5 of 2017 was filed by the petitioner and the title appeal was also dismissed by a judgement and decree dated February 14, 2020. It is contended that instead of approaching the appropriate forum against dismissal of the appeal, the writ petition has been filed to create an indirect pressure upon the said respondents, through the police.

The police report is taken on record.

It appears that an enquiry was made. Parties were unable to produce any order from any Court but the enquiry revealed that the respondent nos. 4 to 8 abused the petitioner in filthy language. Accordingly, prosecution under Section 107 of the Code of Criminal Procedure was submitted against the private respondents.

Under such circumstances, in view of the disputes with regard to title and possession which have been adjudicated by the civil court and which have been suppressed by the writ petitioner, this Court does not find that any further orders are required to be passed upon the police authorities.

The police authorities shall maintain peace and continue their vigil.

The writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)