

12.08.2022
Sl. No.6(SL)
srm

W.P.A. No. 16149 of 2022

Malina Das

Versus

The State of West Bengal & Ors.

Mr. Sayantan Adhya

...for the Petitioner.

Mr. Ansar Mandal,
Mr. Sougata Mitra

...for the State-respondents.

Affidavit-of-service is taken no record. Despite service, none appears on behalf of the respondent Nos.4 and 5.

The petitioner alleges that the authorities of the Uttarpara Police Station did not take any steps with regard to the numerous complaints lodged by the petitioner. It is submitted that the petitioner and the respondent No.4 are siblings and the respondent No.5 is the sister-in-law. It is contended by the petitioner that the petitioner, the respondent No.4 and others are the joint owners of the premises situated at 75, Udayan Pally, Manasabari, Post Office-Hindmotor, Police Station-Uttarpara, District-Hooghly. It is alleged that the respondent Nos.4 and 5 attacked the petitioner on numerous occasions in order to

grab the property and also tried to injure the petitioner by throwing acid at her. Prayer is made for a direction upon the police authorities to take steps on the basis of the complaint lodged by the petitioner.

It also appears that the petitioner and two others, filed a title suit being Title Suit No.119 of 2019 against the other heirs of late Khetranath Das including the respondent No.4 before the learned Civil Judge (Senior Division) at Serampore. The suit is for declaration, partition and injunction.

The police report is taken on record. It appears that the petitioner along with the respondent No.4 and some others claim to be the co-sharers of the disputed property, after the demise of their parents. The suit property was allotted to their deceased father by the Refuge Rehabilitation Department, Government of West Bengal. Prolonged family disputes gave rise to the civil suit. Further disputes cropped up with regard to the installation of a new water connection as also an electricity connection, in the premises.

The police enquiry also revealed that the deceased father of the petitioner executed a deed of gift in favour of the respondent No.5. On the complaint of the petitioner, Uttarpara Police Station Case No.100 of 2019 dated February

15, 2019 under Sections 341/323/506/34 of the Indian Penal Code was registered against Dilip Das, Rita Das and Bijoy Sharma. After completion of the investigation, charge sheet has been filed *vide* Charge Sheet No.205 of 2019 dated April 25, 2019 under Sections 341/323/506/34 of the Indian Penal Code against Dilip Das, Rita Das and Bijoy Sharma. On the basis of the complaint of another brother of the petitioner, who is also a plaintiff along with the petitioner in the title suit, Uttarpara Police Station Case No.528 of 2021 dated December 18, 2021 under Sections 341/323/506 of the Indian Penal Code was registered against Dilip Das and the said investigation has also ended in the filing of a charge sheet being Charge Sheet No.17 of 2022 dated January 31, 2022 under Sections 341/323/506 of the Indian Penal Code against Dilip Das.

Having perused the police report, this Court is of the view that the police authorities have taken adequate steps on the basis of the complaints of the petitioner and her brother against the respondent Nos.4 and 5. As the petitioner is an elderly lady, the writ petition is disposed of with a direction upon the Officer-in-Charge, Uttarpara Police Station to keep a vigil and ensure that no breach of peace takes place. The petitioner is also directed to maintain law and order.

The allegations with regard to threats of disconnection of water and electricity connection shall be raised in the pending suit or before the appropriate authorities, as the petitioner may be advised. If the petitioner is aggrieved by non-incorporation of some relevant sections in the charge sheet, the remedy of the petitioner would be before the appropriate court at the appropriate stage.

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.)