

06.12.2022
Court No.13
Item No.26
AP

WPA 21629 of 2022

**Smt. Champa Das
Vs.
The State of West Bengal & Ors.**

Ms. Chaitali Mukhopadhyay

... For the Petitioner.

Ms. Jayeeta Sinha
Mr. Ranjit Rajak

... For the State.

Mr. Sudarshan Ghosh

... For the Respondent Nos.4 & 5.

The writ petitioner complains of inaction on the part of the Jaynagar Police Station. She has complained that the private respondents, who are co-owners of a property, which comprises a water body, are preventing her from enjoying the same by use of force and muscleman.

It is submitted that the Jaynagar Police Station coerced the petitioner to settle with the private respondents.

Admittedly an earlier civil suit filed by the writ petitioner was dismissed all the way up to this Court in a second appeal. The writ petitioner was, however, reserved liberty to file a fresh partition suit after the respondents disclosed the names of the other co-owners. The private respondents have not so disclosed.

Counsel for the private respondents submits that the petitioner should be aware of such co-owners.

This Court does not wish to enter into the civil disputes between the parties. The remedy of the petitioner against the private respondents is either in a partition suit in respect of the property in question or a separate civil suit seeking to enforce her rights against the private respondents. The parties may choose to settle or otherwise deal with their disputes.

Jaynagar Police shall refrain from in any way interfering with the rights between the parties and ensure that there is no breach of peace in the area.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)