

31.07.2023
Item No. 146
BR

WPA 9984 of 2023

Nasima Bibi Mondal
-vs
The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty

.... For the petitioner

Mr. Amitesh Banerjee,
Mr. Suddhadeb Adak
.... For the State

This is an application under Article 26 of the Constitution of India praying for direction upon the respondent authorities, especially the respondent no. 3 to act as per law on the basis of the petitioner's complaint and investigate into the case.

Affidavit of service filed by the petitioner in Court today is taken on record. Copy of the same is handed over to the learned counsel for the other side.

Learned counsel appearing for the petitioner submits as follows. The petitioner is a co-sharer of the property

in question, which she purchased from his father-in-law. The private respondents who are the relatives of her husband started disturbing the peaceful possession of the petitioner. The petitioner has minor daughters and husband who is not keeping well. The petitioner's husband was brutally assaulted. An FIR was lodged in the year 2018 and a charge sheet was submitted in 2020. However, the disturbances and intimidations by the private respondent continued unabated. But, the local police authority only recorded GD entries. On the other hand, the private respondents filed a false case and initiated a proceeding under Section 107 of the Code.

Learned counsel appearing for the State submits as follows. For the incident of 2018, an FIR was lodged. A charge sheet was submitted after completion of investigation. It appears that a civil suit is pending between the private parties. The opposite party started doing construction work in defiance of Court's order.

I have heard learned counsels appearing for the parties and have

perused the writ petition and the report filed by the State.

It appears that there is a civil dispute between the private parties and some criminal case is pending.

For an alleged violation of Court's order, the petitioner shall be at liberty to move the civil Court.

It also appears that an FIR was lodged on the incident of 2018.

Thus it cannot be said that police did not take steps.

However, the respondent police authorities shall keep strict vigil at the locale and ensure that no breach of peace takes place and no order of civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible. .

(Jay Sengupta, J.)