

22.06.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 12524 of 2023

**Bani Das
Versus
The State of West Bengal & Ors.**

Mr. Sukanta Chakraborty,
Mr. Anindya Halder.

...For the petitioner.

Mr. Ashim Kumar Ganguly,
Mr. Tarak Karan.

...For the State.

Mr. Subrata Bhattacharyya,
Mr. Soumen Sarkar,
Ms. Shipra Santra.

...For the private respondents.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner complains that the private respondents are preventing her from entering into her property.
3. Admittedly, there are two civil suits between the parties being Title Suit No.1 of 2020 and Title Suit No.341 of 2022 which are now pending before the learned Civil Judge (Senior Division) at Basirhat, North 24 Parganas.
4. There is an injunction being enjoyed by the plaintiff against the defendants, who have been restrained from disturbing her peaceful enjoyment of the property.
5. The petitioner complains that the private respondents, a local Councilor and certain third

parties are preventing her from entering into her property.

6. Counsel for the private respondents submits that both the petitioner and the private respondents have shares in the property. His clients have no objection to the petitioner returning to the property. The petitioner and her family members may return to her property.

7. For the aforesaid purpose, Basirhat Police Station shall render necessary assistance to the petitioner. The petitioner and the private respondents will not disturb each other.

8. Counsel for the Basirhat Police Station submits that there are five charge-sheets against the private respondents. There is one charge-sheet against the petitioner and four FIRs are pending investigation.

9. Basirhat Police Station shall ensure that there is absolutely no breach of peace in the area. The mutual rights of the parties in respect of the property and extent shall be decided in the pending civil suits.

10. Basirhat Police Station shall strictly enforce any order that may be passed by the Civil Court on them specifically.

11. The report of the Basirhat Police Station dated 19th June, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta be taken on record.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)