

01.06.2023
sayandeep
Sl. No. 03
Ct. No. 07

WPA 12854 of 2023

Sakina Bibi
-Versus-
State of West Bengal & Ors.

Mr. Kamalesh Chandra Saha
..... for the petitioner

Mr. Sutanu Chakraborti
Ms. Debarati Sen
.....for the State

Mr. Nilanjan Adhikari
.....for the respondent Nos. 4 to 13

The affidavit-of-service filed in Court today is kept on record.

The petitioner claims to be the widow of one Azit Ali Mondal claiming to be the person in possession of a piece and parcel of land mentioned in the writ petition. The respondent Nos. 4 to 13 represented by Mr. Nilanjan Adhikari, learned advocate claimed to be the co-sharers of the same property. The grievance of the petitioner was that the free egress and ingress and right of her enjoyment of the property was hindered by the private respondents.

Mr. Kamalesh Chandra Saha, learned advocate appearing for the petitioner submitted that several complaints were lodged with the jurisdictional police station and also before the jurisdictional Police Commissioner and the Inspector-in-charge. No steps have been taken.

Mr. Nilanjan Adhikari, learned advocate appearing for the private respondent Nos. 4 to 13 submitted that they had also lodged complaints against the petitioner before the relevant police authority on an alleged assault by the petitioner or at her behest.

Mr. Sutanu Chakraborti, learned State counsel appeared for respondent Nos. 1 to 3 submitted the police report dated June, 01, 2023 which was prepared under the sign and seal of one Sk. Jamal Hossain, the Inspector-in-Charge, Rajarhat Police Station. The report is taken on record. It appears from the report that the police station has already initiated two criminal cases namely case No. 122 of 2023 dated April 20, 2023 and case No. 154 of 2023. The charge-sheet had already been submitted on May 27, 2023. The learned State counsel submitted that the accused are already enlarged on bail.

Mr. Kamallesh Chandra Saha, learned advocate for the petitioner submitted that this report mentioning the relevant police case numbers have got no relevance in connection with the present allegation of the petitioner which is in the 3rd round. Referring to page-29 to the writ petition, the learned counsel for the petitioner submitted that no step has been taken by the relevant police authority.

Learned State counsel submitted that the complaint at page-29 to the writ petition had

culminated into the charge-sheet being charge-sheet No. 150 of 2023 dated May 27, 2023. After considering the submissions made on behalf of the parties and on perusal of the materials on record, at the threshold it appears to this Court that the complaint at page-29 to the writ petition is undated. The complaint does not disclose any receipt on the part of the relevant police authority. The complaint *prima facie* does not disclose whether it was at all submitted before the relevant police authority. Furthermore, the police authority had already initiated two criminal cases. The charge-sheet was issued. The accused were arrested and then were enlarged on bail. More so, the disputes pertains to the dwelling land amongst the co-sharers of the property which is basically a civil disputes and the writ Court has no authority to go into it.

Considering the above, the local police authority is directed to maintain the peace and tranquility at the locale and to come to a logical conclusion of the two police cases mentioned above as expeditiously as possible.

With the above observations, this writ petition being WPA 12854 of 2023 stands disposed of without any order as to costs.

(Aniruddha Roy, J.)