

Dipika Pramanik & ors.
-vs-
The State of West Bengal & ors.

Mrs. Pampa Dey (Dhabal)
Mr. Nikhil Kr. Gupta
...for the petitioners
Mr. Dipayan Kundu
...for the respondent nos. 8 to 16
Mr. Amitesh Banerjee
Mr. Suddhadev Adak
...for the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is a 70 years old lady. She is the owner of the property in question. The petitioner nos. 2 and 3 are her sons. The private respondents are rank outsiders in respect of such property. But they are disturbing her peaceful possession. The private respondents have been threatening, intimidating and even assaulting the petitioners. Several complaints had to be lodged before the police authorities. But no steps have been taken by them.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. There is a long standing dispute between the private parties who are related to each other.

Learned senior standing counsel representing the State submits as follows. There is indeed a long standing

dispute between the private parties. Cases and counter cases have been filed in this regard. However, complaint referred to by the petitioner at present does not make out a cognizable case.

It appears that dispute between the private parties are long standing. There are cases and counter cases filed by each side.

If the petitioner believes that her complaint makes out a cognizable case, she shall be at liberty to take steps in terms of the ratio laid down in Aleque Padamsee's Case, (2007) 6 SCC 171.

However, the police authorities shall maintain a strict vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)