

Ct. 14
Item No.27
25.07.2023
(Suvendu)

WPA 16279 of 2023

Muslima Bibi
Vs.
The State of West Bengal & Ors.

Mr. Tapan Kumar Mahapatra
.....for the petitioner

Mr. Pritam Choudhury
Mr. Arindam Mitra
.....for the State

Mr. M.L.Podder
Mr. Sanjoy Ghosh
.....for the respondent nos. 5-7

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide police assistance to protect and preserve the petitioner's life and property.

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

Report filed on behalf of the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner inherited the property from her first husband. The petitioner got married for the second time after expiry of her first husband. Thereafter the petitioner was unduly

influenced to sell the property to a third party. In this regard she filed a Suit which is pending. The present issue is quite unconnected with the above facts. The private respondents are some local people who are trying to prevent the petitioner from entering her own house. This was brought to the notice of the police authorities, but they have not taken any steps.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. After the issue was taken up with the police authorities, they have started a proceeding under Section 107 of the Code and are maintaining a watch at the locality so that no breach of peace takes place. A part of the said property is the subject matter of the said Suit.

Learned counsel for the respondent nos. 5-7 denies the allegations and submits that they have not caused and will not cause any disturbance to the petitioner's entry into her house.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that after the petitioner took up the issue with the police authorities, they have started proceeding under Section 107 of the Code.

As regards the dispute with the present private respondents, learned counsel appearing for the private respondents has categorically submitted that they will not create any disturbances to the petitioner to enter into her house.

Therefore, there is no need to pass any further order in the matter.

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)