

Nabila Tahseen

-vs-

State of West Bengal & ors.

Mr. Pratip Mukherjee

Ms. Riya Ballav

....for the petitioner

Mr. Soumya Banerjee

Ms. Sucheta Banerjee

...for the respondent nos. 4 to 8

Mr. Somnath Ganguli

Mr. Priyamvada Singha

...for the State

This is an application praying for a direction upon the respondent authorities to forthwith implement the order dated 22.12.2022 passed by the learned Civil Judge (Jr. Division), 3rd Court, Asansol.

A further report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents are rank outsiders with no right in the said property. They are not even the adjoining owners. Yet, they are disturbing, threatening and intimidating the petitioner in her peaceful possession of the property. The petitioner was constrained to file a civil suit and an order was passed on 16.12.2022 restraining the defendants from disturbing the peaceful possession of the suit property. Thereafter on 22.12.2022, the petitioner's

application under Section 151 of the CPC was allowed. The Inspector in Charge of Raniganj Police Station was directed to take necessary steps so that the order of the Court is maintained over the suit property. In spite of this, the police have not taken sufficient steps. In retaliation, the private respondents attacked the petitioner's property and destroyed it. The petitioner filed a complaint and an FIR was registered on 04.08.2023. Even the learned counsel conducting the petitioner's case before the learned Court below was not spared. His house was attacked by the private respondents and stones were pelted at his house.

Learned counsel appearing on behalf of the respondent nos. 4 to 8 submits that there is a civil dispute regarding the property. According to them, the property was gifted for building a school. However, the said respondents have not made any threat and will not threaten the petitioner, disturb or try to dispossess her without due process of law.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Whenever complaints were made to the police, the police have taken adequate steps. A police mobile patrol van with one officer has been placed for protection of the petitioner and as well as the learned counsel. An FIR has been lodged being Raniganj Police Station Case No. 328 of 2023 dated 04.08.2023. The accused surrendered and were thereafter granted bail.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the report filed by the State.

It appears that the police have already taken steps as directed. In fact, they have posted a patrol mobile van with one officer to keep a strict vigil in the area.

If any of the parties have any claim in respect of the said property, the said has to be agitated before a learned Civil Court.

The private respondents have no right to act in violation of the Court's order and disturb the peaceful possession of the petitioner.

Whenever any untoward incident is apprehended or unfortunately takes place, the petitioner shall be at liberty to approach the local police authority immediately who shall take necessary steps in this regard.

The police shall keep a strict vigil at the locale and ensure that no breach of peace takes place and no order of a civil Court is violated.

The placing of the patrol van with one officer shall continue for another month.

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.)