

16.08.2023.
Court No.14
Item No. 18
pk

W.P.A. No. 17480 of 2023

**Tumpa Das
Versus
State of West Bengal and others**

Mr. Pinaki Bhattacharyya,
Mr. Amartya Mohan Bhattacharyya
...For the petitioner.

Sk. Md. Galib,
Ms. Sujata Mukherjee
... For the State.

Mr. S. Kanjilal
... For the respondent no. 5.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take action against the private respondent nos. 5 to 7 for their illegal acts and to protect the life of the petitioner and her family members.

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

The learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father is the owner of the property-in-question. He had by Will given a portion of the property to the present petitioner and some portions to the private respondents. Without even having the Will probated, the private respondents had been harassing and intimidating the petitioner and trying to grab the entire property. They committed

several acts of assault and injury to the petitioner. All these were brought to the notice of the police, but no steps have been taken. Proper investigation was not done in respect of the two FIRs lodged by the petitioner being Behala Police Station Case No. 300 dated 08.10.2020 and Behala Police Station Case No. 306 dated 18.11.2022. On a third occasion, the private respondents broke a finger of the petitioner, among other things. She went to lodge an FIR, but was dissuaded by the police in connivance with the private respondents. In fact, it was falsely obtained from her that a compromise was being contemplated. The petitioner is being threatened.

The learned counsel appearing on behalf of the private respondents submits as follows. The allegations made by the petitioner are denied. In fact, the private respondents are the victims here. The petitioner is trying to grab the share of the property that belongs to the private respondents. The private respondents have made several GD entries in this regard, but not action has been taken by the police.

The learned counsel appearing on behalf of the State relies a report and submits as follows. In both the cases that were started by the petitioner, charge sheets have been submitted. An incident happened in front of the police station. Both sides were fighting and had to be disengaged by the police. Both had to be arrested.

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

It appears that there is a civil dispute regarding property between the parties. The parties shall be at liberty to approach the learned Civil Court for appropriate relief.

So far as the allegation of police inaction is concerned of not filing the charge sheets in respect of two FIRs, the same has already been redressed. Charge sheets were submitted. Even the accused were arrested.

In the event the petitioner thinks that a third FIR was not registered by the police, she shall be at liberty to lodge such an FIR and approach the police authorities for lodging such FIR or eventually filed an application under Section 156(3) of the Cr. P. C.

No further order need be passed in this case.

However, the police shall maintain strict vigil at the locale and ensure that there is no breach of peace in the area and no order of civil court is violated.

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.)

