

17 28.08.2023
NB Ct. 14

WPA 17822 of 2023

Isma Khatun
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity,
Ms. M. Sarkar.
...for the petitioner.

Mr. Ashim Kr. Ganguly,
Ms. Jyotsna Roy Mukherjee,
Mr. Jayanta Samanta,
Mr. Kushal Biswas.
...for the State.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to take steps against the illegal activities of the private respondents, for the protection of life and property of the petitioner and prohibit the private respondents from preventing the petitioner to enter into the land and house of the petitioner.

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 sister of the private respondents. She along with her two minor children went to her paternal home to see her ailing mother. But the private respondents abused and assaulted her and her minor children and threw them out of the house. It is germane to mention by a deed of gift executed by the mother gave the petitioner 03 decimals of land. The private respondents want to grab such property. That is why they are not allowing the petitioner to enter the paternal home.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the adverse parties. On the petitioner's allegations, an FIR was registered being Minakha Police Station Case No.271 of 2019 dated 17.11.2019. A charge sheet was submitted in that case in 2020. A proceeding was also initiated under Section 144(2) of the Code. The State had acted on the complaint of the petitioner and also initiated a proceeding under Section 107 of the Code. However, the police has no authority to determine property disputes between the parties.

I have heard the submissions of 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 a property dispute is existing for quite sometime between the petitioner and her brothers, the private respondents.

On complaints made by the parties, the police had acted promptly. An FIR was registered. A charge sheet was submitted on the same.

Proceedings have also been initiated under Sections 144 and 107 of the Code.

Therefore, there is hardly anything more that the police can do in this regard.

Accordingly, no further order need be passed in this case.

However, the police shall keep a vigil at the locale and see to it that no breach of peace takes place.

Parties shall be at liberty to agitate their grievances before the learned Civil Court.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)