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24.08.
2023
Ct. No.14

WPA 18262 of 2023

Miss Smriti Das
Vs.
The State of W. B. & Ors.

Mr. Chittapriya Ghosh
.....For the Petitioner
Ms. Ipsita Banerjee
.....For the State
Mr. Tamal Singha Roy
.....For the Respondent Nos. 5 and 7

Leave is granted to correct the Case Number in the prayer portion.

This is an application praying for proper investigation of the cases filed by the petitioner and for granting protection to the petitioner for staying peacefully at her ancestral home.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is residing at her ancestral home. It is, however, in a dilapidated condition. The private respondents are disturbing and torturing the petitioner to have the property demolished so that a new building can come up. On a prior occasion regarding holding of Kali Puja the police had to intervene with a report in connection with Section 144 proceeding so that no untoward incident happened.

Learned counsel for the private respondent nos. 5 and 7 submits that the private respondents and the petitioner are all co-sharers of the same property. The private respondents are living peacefully at the said property.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a long standing dispute between the adverse parties. In 2013 an order was passed by this Court to keep peace. However, the police have acted in response to the complaints filed by the petitioner. A specific FIR was lodged and a proceeding under Section 107 was also initiated which, however, was subsequently dropped pursuant to an order passed.

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

It appears that there is a dispute between the adverse parties over their ancestral property.

In 2013 an order was passed by this Court to maintain peace.

The report filed by the police in respect of a proceeding under Section 144 of the Code indicates that the private respondents were unjustly trying to hold Kali Puja on the terrace. It could have further damaged the already dilapidated property.

However, it appears that the police have

already taken action on the complaints filed by the petitioner. Cases have been instituted and charge sheet has been filed.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and no order of a Civil Court is violated.

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 urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

