

20 30.08.2023
NB Ct. 14

WPA 18680 of 2023

Sumi Murmu
Vs.
The State of West Bengal & Ors.

Mr. Pratip Mukherjee,
Ms. Rima Banerjee.
...for the petitioner.

Mr. Ansar Mandal,
Md. Idrish,
Mr. Sujit Chatterjee.
....for the State.

Mr. Goutam Lahiri
...for the respondent nos.7 to 9.

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 on behalf of the petitioner submits as follows. The petitioner is a 60 years old lady and is the owner of the property where she resides, having inherited the same from her husband. After the demise of her husband, the private respondents who are rank outsiders had been disturbing the petitioner's possession of such property. Some protection need be given in this regard so that the petitioner can reside at her own property.

Learned counsel appearing on behalf of the private respondents submits as follows. The plot of land in question actually belongs to the private respondents. The husband of the petitioner had filed a civil suit, which is still pending. This has

been suppressed in the writ petition. Any relief sought by any of the concerned parties has to be before the learned Civil Court.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It appears that there is a civil dispute pending between the private parties. However, on the complaint of the petitioner, the police have already initiated a proceeding under Section 107 of the Code.

At this stage, learned counsel for the petitioner submits that pendency of the suit was not within the petitioner's knowledge.

It appears that there is a civil suit pending as regards the property in question. Any relief to be sought by any of the parties has to be before the said civil Court.

It also appears that police have taken some steps on the complaint filed by the petitioner. A proceeding was initiated under Section 107 of the Code.

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

However, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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.)

