

WPA 18737 of 2023

Sabina Bibi
-vs-
The State of West Bengal & ors.

Mr. Sandip Ray
Mr. Hiranmoy Debnath
Ms. Polly Banerjee
Ms. Paramita Dey
....for the petitioner
Md. Y. Mondal
...for the private respondents
Mr. Amal Kr. Sen
Mr. Md. Lal Mohan Basu
...for the State

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's husband had purchased the land in question and thereafter gifted the same to the present petitioner. They build a house and were having cycle repairing shop in the front portion. The private respondents who are rank outsiders having no right, title and interest in the property started disturbing the petitioner. They would come and harass the petitioner and even assault them. On several occasions, the petitioner had to approach the local police station for lodging complaints. On most of them, no FIR was registered. The petitioner then approached the Civil

Court and obtained an order of injunction in Title Suit No. 469 of 2023 pending before the learned Civil Judge, Jr. Division, 2nd Court, Barasat, North 24 Parganas. By an order dated 12.05.2023, the learned Civil Court restrained the defendants from causing any obstructions to the plaintiff's egress and ingress over the suit property or carry on any illegal construction over the same. The police officer of the local police station had recently called the petitioner and made her sign on two documents.

Learned counsel appearing on behalf of the private respondents submits as follows. The petitioner's husband fraudulently collected some land and thereafter transferred the same to his wife. Actually, the private respondents are the owners of the property. They would file appropriate application before the Civil Court in this regard.

Learned counsel appearing on behalf of the State submits as follows. There is no police inaction in this case. The police have already registered two FIRs being Amdanga Police Station Case No. 5 dated 04.01.2023 and Amdanga Police Station Case No. 187 dated 17.04.2023 at the instance of the petitioner. However, two other FIRs have been lodged at the behest of the other side. Charge-sheets were submitted in all the cases. The police are keeping a close watch in the locality.

It appears that there is a dispute regarding a plot of land between the petitioner and the private respondents. It is alleged by the petitioner that without any legal right, the

private respondents are preventing the egress and ingress of the petitioner to the property and are making an illegal construction by encroaching into land belonging to the petitioner.

If the private respondents have any legitimate grievance, they shall have to agitate the same before the learned Civil Court. But, they have no right to take law into their own land by either trying to prevent the petitioner from entering and exiting the house in question or by making any illegal construction on her land.

In view of the above, the respondent police authorities shall ensure that no breach of peace takes place at the locale and see to it that no order of a Civil Court is violated.

In the event there is any violation of the Civil Court's order, the petitioner shall be at liberty to intimate the same to the police authorities who shall take appropriate steps.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)