

September 6, 2023
AD 23
Court No.14
SG

WPA 19405 of 2023

Forida Bibi
vs.
The State of West Bengal and others

Mr. Asim Kumar Niyogi
Mr. Vaskar Pal
... for the petitioner

Mr. Suman Ghosh
Mr. Sankha Prasad Roy
... for the State

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
... for the respondent Nos.6 - 10

This is an application for direction upon the respondent authorities to provide police protection to the petitioner and her family members, so that they can enter into their own property.

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Copies of the title deeds and the record of rights filed by the private respondents are also taken on record.

Learned advocate for the petitioner submits as follows. A Hindu named Biswanath Majumder had executed a Will in respect of the property in question in favour of the present petitioner who was a Muslim. After giving public notice, a probate was granted in respect of the Will. But, when the petitioner went to enter into such property, the private respondents prevented her from doing so. Police help was sought, but was denied. During his lifetime, said Biswanath Majumder had filed a

criminal case against the private respondents being Chakdah PS Case No.80/15 dated 02.02.2015. He could not have transferred the property to the private respondents.

Learned counsel for the State relies on the report and submits as follows. The allegations made in the writ petition are denied. Before the Will could be probated, most of the property in question was transferred by Biswanath Majumder to some of the private respondents. In turn, some of the transferees conveyed the property to some other private respondents. Thus, the petitioner does not have any right to enter into the property in question.

Learned advocate for the private respondents submits that they are in settled possession of the property.

It appears that there is a civil dispute between the private parties.

It is the case of the private respondents that even before the property was bequeathed in favour of the petitioner, the same was transferred to some of the private respondents.

Therefore, the petitioner shall be at liberty to approach the civil court with a prayer for relief in respect of such property.

No further order need be passed in this case.

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

With the aforesaid observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)