

10-04-2023
ct no. 13
Sl.374
pk

WPA 20468 of 2022

Nurjahan Begum

-Versus-

The State of West Bengal & Ors.

Mr. Subhasish Pachhal

...for the petitioner

Ms. Chaitali Bhattacharya,

Mr. Subhendu Roy Choudhury

... for the State

Mr. Gour Baran Sau,

Mr. Arshad Hussain

... for the respondent nos. 7 to 13.

The writ petitioner complains that the private respondents are obstructing her from constructing a boundary wall on her premises.

It appears that Sankrail Police Station has registered FIR on the complaint of the petitioner's husband, Sk. Surat Ali and five persons have been named in the FIR. Investigation is complete and Charge Sheet No. 967 of 2022 dated 31.10.2022 under Sections 341/323/506/34 of the IPC has been filed.

It further appears that the Chief Executive Officer of the Wakf Board, West Bengal has filed a complaint with the Sankrail Police Station that the petitioner has purchased the wakf property without the consent of the *mutuwalis* or the Wakf Board. Farida Begum Sarkar from whom the

petitioner purchased the property did not have title to the same.

The dispute between the petitioner and the private respondents is, therefore, statutory and/or civil in nature. Appropriate proceedings may be taken out in that regard.

Sankrail Police has already investigated a complaint. There is no inaction on their part. Sankrail Police shall, however, ensure that there is no breach of peace in the area.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)