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20.09.2023
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Ct 14

WPA 20580 of 2023

Smt. Aloka Dey Ghosh

-vs-

State of West Bengal & ors.

Mr. Gopal Mondal

...for the petitioner

Mr. Subir Ganguly

Mr. Satyabrata Mazumder

Mr. Sumanta Ganguly

...for the respondent nos. 6, 7

Mr. K. J. Yusuf

Mr. Parikshit Goswami

....for the State

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Originally the property was owned by the petitioner's father. After his demise, his mother and the two children were equal shareholders. The mother gifted her share to the daughter that is the petitioner herein. In spite of that, the private respondents are preventing the petitioner from getting and enjoying a share in the said property. The police help was sought, but was not granted.

Learned counsel appearing on behalf of the State relies on the report and submits that on a complaint filed by the petitioner, a specific FIR being Paranasree Police Station Case No. 320 dated 26.07.2023 was registered under Sections 341, 323, 509, 506 and 34 of the Indian Penal Code.

It appears that there exists a civil dispute between the

private parties.

If the petitioner is the owner of 1/3rd share of the property and has been purportedly gifted another 1/3rd share by her mother, then she shall be at liberty to pray for appropriate relief before the Civil Court in this regard.

So far as the complaints made by the petitioner about atrocities committed by the private respondents are concerned, an FIR has already been registered.

The police shall, however, keep a strict vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)