

37 25.09.2023
NB Ct. 14

WPA 21226 of 2023

Baishali Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Sumanta Ganguly,
Mr. Rajiv Lochan Chakraborty,
Mr. Priyanjit Kundu.
..for the petitioner.

Mr. Biswabrata Basu Mallick Id. AGP.,
Ms. Mrinalini Majumdar
...for the State.

Mr. Subhasis Bandopadhyay.
..for the respondent no.8.

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 mother had a good relation with the erstwhile owners of the premises in question. They allowed her to run a hair salon from the said property. However, there was no formal agreement entered into in this regard. However, on the demise of the said owners of the property, one Asit Ghosh came to the petitioner and claimed to be one of the distant relatives and heir of the erstwhile owners. The said Asit Ghosh was actually acting at the behest of the respondent no.8. The goons of the private respondents started disturbing the petitioner. This prompted the petitioner to pray for relief under Sections 107 and Section 144 of the Code. Appropriate orders

were passed. Thereafter, the private respondents came and threatened the petitioner and the other female employees present there in the salon. After this, the petitioner was constrained to file a civil suit. An order of injunction was granted restraining the defendants. But the private respondents and his men and agents again came and severely assaulted the petitioner and other female workers of the salon. The injury reports would bear out the kind of assault that was inflicted. An FIR was registered in this regard being Burdwan Police Station Case No.1037 of 2023 dated 14.08.2023, but no effective steps never taken in this regard. Some kind of protection needs to be given to the petitioner.

Learned counsel appearing on behalf of the private respondent submits as follows. Allegations made in the writ petition are denied. The private respondent is the owner of the property in question. He has also filed an FIR against the petitioner and others being Burdwan Police Station Case No.1073 of 2023 dated 14.08.2023.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, an FIR was registered. However, the private respondent filed an application under Section 156(3) of the Code. Pursuant to directions given in such proceeding, an FIR was registered. Both the cases are investigated into.

It appears that there is a civil dispute pending between the private parties. It also appears that the petitioner has been granted an interim order of injunction restraining the defendants from disturbing her peaceful possession.

Therefore, the private respondent does not have any right to disturb the peaceful possession of the petitioner in respect of such property unless he is able to get an order from the civil Court in this regard. Any eviction or attempt for such has to be in accordance with law.

Let the respondent authorities keep a sharp vigil at the locale and ensure that no breach of peace takes place.

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to call up the Officer-in-Charge of the local police station who shall then act in accordance with law.

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.)