

WPA 21347 of 2023

Saharbanu Begam Molla
-vs-
The State of West Bengal & ors.

Mr. Rajnil Mukherjee
Mr. Mastafizur Rahaman
...for the petitioner

Mr. Ashim Kr. Ganguly
Ms. Jyotsna Roy Mukherjee
..for the State respondents

A copy of the judgment and order dated 28.11. 2019 passed by the learned Civil Judge, Junior Division, 3rd Court, Purba Bardhaman in Title Suit No. 88 of 2005 as filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question where she cultivates her land. The private respondents were her relations who were also the co-sharers in the larger piece of land. However, they have been disturbing the possession of the petitioner in respect of her portion of the property. Accordingly, the petitioner was compelled to file a civil suit. By an order dated 28.11.2019, the learned Civil Court decreed on contest the suit in favour of the petitioner and restrained permanently the defendants from interfering with the peaceful possession of the plaintiff in respect of 'A' and 'A-1' and 'B' scheduled property. In spite

of this, the private respondents are continuing to violate the said order and harass and intimidate the petitioner. They are trying to prevent her from cultivating the land. Police help was sought, but was not provided.

Learned counsel for the State relies on the report and submits as follows. The police have already taken steps on the complaint of the petitioner. Proceedings were initiated under Section 107 of the Code. The police have also filed report in a proceeding under Section 144 of the Code.

It appears that a decree was granted in favour of the petitioner in respect of the property in question. The defendants were restrained from disturbing her possession of the said property.

It also appears that the police authorities have taken some steps on the complaint of the petitioner. They had initiated proceedings under Section 107 of the Code.

Therefore, no further order need be passed in this regard.

However, the respondent police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and no order of a Civil Court is violated.

If an untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to intimate 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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)