

September 13, 2023
AD 179
Court No.14
SG

WPA 21390 of 2023

Priyanka Bijali
vs.
The State of West Bengal and others

Mr. Sudarsan Haldar
... for the petitioner

Mr. Sk. Md. Galib
Mr. Abu Siddique Mallick
... for the State

Mr. Gobinda Chandra Baidya
... for the respondent Nos.5 – 8 & 10- 18

Affidavit of service filed in Court is taken on record.

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

Learned advocate for the petitioner submits as follows. The petitioner is a raiyat in respect of a land in question. The same is clearly reflected in the records of rights. In spite of this, the local people being the private respondents are disturbing her possession. They are threatening and intimidating the petitioner. They are also preventing the petitioner from cultivating her land. They even put a padlock on the door of the dwelling house of the petitioner.

Learned advocate for the respondent Nos.5 to 8 and 10 to 18 submits as follows. The allegations made in the writ petition are denied. There is a civil dispute between the private parties. The erstwhile owner of the land had settled the property in favour of one of his wives. Upon his death, the property was to revert back to other relatives. The private respondents have not yet filed a

civil suit in this regard. They are not disturbing the petitioner and did not put a padlock on the door of the property.

Learned counsel for the State relies on the report and submits as follows. On the complaint of the petitioner, the police have already lodged an FIR and have also initiated a proceeding under Section 107 of the Code. However, upon local inquiry it was learnt that the petitioner is herself keeping the door locked. The police are keeping a close watch on the development in the locality.

It appears that there is a dispute between the private parties in respect of the land in question. If the private respondents are seeking any relief, the same has to be done before a civil court.

It appears from the submissions of the private respondents that they did not put any padlock on the dwelling house of the petitioner.

The petitioner, thus, would be at liberty to open the padlock and enter into her property. The same may be done in the presence of local police authorities.

For this, the petitioner shall give twenty-four hours' notice to the Officer-in-Charge of the police station. While the police stands guard, lock, if any, will be removed and the petitioner would enter into her property. The police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

If any untoward incident takes place or is apprehended by the petitioner, the petitioner shall be at liberty to inform the local police station who shall act expeditiously and in accordance with law.

With these 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.]