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Ct 14

WPA 22185 of 2023

Parisan Bibi
-vs-
State of West Bengal & ors..

Mr. Mukteswar Maity
...for the petitioner
Mr. Pratip Kumar Chatterjee
Mr. Masud Manik
...for the respondent nos. 6 to 10

Mr. Ansar Mondal
Mr. Md. Idrish
....for the State

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

Copies of certain documents filed on behalf of the private respondents are also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents are rank outsiders so far as the petitioner's property is concerned. But they are disturbing the petitioner in her possession and enjoyment of their property. Complaints were made before the police station, but were not acted upon.

Learned counsel for the State relies on the report and submits as follows. The dispute between the private parties is absolutely civil in nature. However, on the complaint of the petitioner, the police have taken steps by initiating a proceeding under Section 107 of the Code.

Learned counsel appearing on behalf of the respondent nos. 6 to 10 submits as follows. The allegations made in the

writ petition are denied. The petitioner had sold a part of the property, to the respondent nos. 9 and 10. The respondent nos. 9 and 10 in turn had given a power of attorney to the respondent nos. 6 to 8 to manage the property. When the private respondents tried to construct a boundary around their property, the petitioner and her men and agents came, prevented and assaulted them. Complaints were lodged before the police station only diarized. In fact, out of 1.88 acres of original land, the petitioner is presently owning about .88 acres as per records.

It appears that there is a civil dispute pending between the private parties. If either of the parties want to establish any right in respect of the said property, the same has to be done before the Civil Court.

However, the police shall act on the complaints made by either of the parties and take appropriate steps in accordance with law.

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