

WPA 23881 of 2023

Sandhya Halder & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Sk. Abumura
Ms. Mariya Rahaman
...for the petitioners

Mr. Suman Sengupta
Ms. Amrita Panja Mallick
... for the State

Mr. Animesh Paul
Ms. Haardikaa Rajdev
... for the respondent Nos. 4 to 19

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 No. 1 is 75 years old lady. The petitioner No. 2 is her daughter, who is looking after her. The husband of the petitioner No. 1 purchased the property in question being Plot No. 485 in the year 1966. He built a house there. Along with this, there was another portion being Plot No. 484, which was nevertheless recorded in the name of the uncle of the petitioner No. 2. The petitioners have been residing in the property for the last 57

years. The petitioner No. 1 had to go to another daughter's house for treatment. Taking advantage of this the private respondents dispossessed the petitioners on 26.09.2023. In fact, the private respondents are trying to stake a claim by utilizing the mere fact that the name of uncle of the petitioner No. 2 was recorded in respect of Plot No. 484.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits that they have not dispossessed anyone from the property in question.

Learned counsel appearing on behalf of the State relies on the report and upon instructions, submits as follows. On the complaint of the petitioner, first a proceeding was drawn up under Section 107 of the Code. Thereafter a specific FIR has also been registered, which is being investigated. The police are keeping a close watch on the developments in the locality.

It is the petitioners' case that they are the owners of the property in question and residing in the property for the last 57 years.

If any of the parties wants to establish any further claim in respect of the said property, it is to be done before the Civil Court.

Fortunately, the private respondents have submitted that they have not dispossessed the petitioners. Therefore, the petitioners can fairly go back to the property, if they are not already there.

No further order need be passed in this regard.

The police authorities shall keep a sharp 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 expeditiously, if applied for.

(Jay Sengupta, J)