

WPA 23944 of 2023

Jahanara Bibi

-vs-

The State of West Bengal & ors.

Mr. Sk. Abdus Salam
Mr. Minhaz Serweny Islam
Mr. Subrata Mukherjee

...for the petitioner

Mr. Wasim Ahmed

Mr. Sk. Md. Masud

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondents.

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 is the owner of the land in question. The private respondents are rank outsiders having no right, title and interest in the property in question. Yet, they are disturbing the possession and enjoyment of such property by the petitioner. They are preventing the petitioner from constructing a boundary wall to protect their property. The petitioner was constrained to move an application under Section 144 of the Code and a favourable order was passed. In spite of that, the police have not rendered any help for construction of boundary wall.

Learned counsel for the State denies any police inaction and submits as follows. There is a long standing dispute between the private parties over the property which is civil in nature. However, on the complaint of the petitioner, a proceeding has been drawn up under Section 107 of the Code. The police are keeping a close watch on the developments in the locality.

It appears from the police report that there is a civil dispute pending between the private parties.

If any of the parties wants to establish any further right in respect of such property, the same has to be done before a Civil Court.

However, there is also an order passed under Section 144 of the Code in favour of the petitioner.

Let the police authorities keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Court is violated.

If any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to intimate 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.)