

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 730 of 2023

Bharati Roy
-versus
The State of West Bengal & Ors.

Mr. Arijit Ghosh
Mr. Nilmoni Mitra
Mrs. Swarnali Ghosh
...For the Petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman
...For the State.

This is an application alleging inaction on the part of the police to render necessary assistance to the petitioner to enter to her property.

It is the case of the petitioner that the petitioner's father had gifted the property to the petitioner but she is not allowed to enter the property for which she applied for police assistance by making a complaint to the local police station, being Dhupguri Police Station, District – Jalpaiguri.

On 1st May, 2023, when the matter was taken up, a report filed by the Inspector-in-Charge, of Dhupguri Police Station, District – Jalpaiguri, was taken on record. It appears from the said report that the petitioner's brother, namely, Upen Roy has alleged that the petitioner has wrongfully obtained the signature of

their father, namely, Anil Roy on the gift deed said to be executed in favour of the petitioner and has tried to oust the petitioner's brother and his family out of the house. Serious disputed questions of fact involving civil rights as to the subject land are apparent.

In the aforesaid facts and circumstances, without the civil rights being scrutinized, it will be dangerous at this stage to direct the police authorities to render assistance to the petitioner to enter into the house.

The writ petition, therefor, is disposed of without out any order.

However, disposal of the writ petition will not prevent the petitioner from taking appropriate steps as permissible in law for the use and enjoyment of the property said to have been gifted to her by her father.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Arindam Mukherjee, J.)