

29.04.2024
Item No.24
gd/ssd

MAT/106/2024
IA NO: CAN/1/2024
SMT. MOUSUMI SAHA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Shiv Chandra Prasad,
Mr. Nikhil Kumar Gupta
..for the Appellant.

Mr. Jayanta Samanta,
Mr. Kushal Das
..for the State.

1. This intra court appeal by the petitioner is directed against the order dated 20.12.2023 passed in WPA 25811 of 2023 by which the said writ petition was disposed of.

2. We find that the appellant could not be stated to be aggrieved in the light of the specific finding recorded by the learned Single Bench which is fully in favour of the appellant/writ petitioner. For better appreciation, the same is quoted hereinbelow:

“It is no disputed that the petitioner is the owner of the property in question. Therefore, she could not be removed from there except according to the due process of law. She has therefore a right to stay in the said house.”

3. The petitioner would state that there is an attempt to grab the property from the petitioner who is the widow and there are certain political people who are involved in the matter and the appellant is unable to protect herself and the property.

4. The learned Single Bench has directed strict police vigil to be maintained in the area and in spite of the same, if there is any disturbance from any political parties, such as councilor etc. or by any of the neighbours, the appellant is granted liberty to file a fresh complaint before the English Bazar Police Station, District – Malda with appropriate averments and it is for the police authority to examine the complaint and if any cognizable offence is committed, the complaint shall be processed in accordance with law.

5. We note the submissions made on behalf of the respondent/police by the learned advocate for the State that already a complaint was lodged and the same was taken cognizance and appropriate action was taken in accordance with law.

6. In view of the above, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)