

1327 03.05.2024
NB Ct. 14

WPA 1877 of 2023

Pratima Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Mr. Sumit Naskar.
...for the petitioner.

Mr. Jayanta Samanta,
Mr. Supriya Majumder.
...for the State.

Mr. Sanjib Bandyopadhyay.
...for the respondent nos.7&8.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a 66 years old lady. She was having a tea stall by the name of "Pratima Tea Stall" at Rasapunja Gram Panchayat, Thakurpukur-Mahestala Panchayat Samity. She also used to stay at the said shop. She was having a trade registration certificate for the same as well as electricity connection. The private respondents are her daughter and grandson. They had been trying to grab the property and the business. Finally, on 15.08.2021, the private respondents ousted the petitioner from the said shop and took control of the same. All these were brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. It was the private respondent no.7 who was having the said tea stall that would be evident

from the fee receipt from Rasapunja Gram Panchayat. Taking advantage of the respondent no.7's illness, the petitioner took control of the tea stall and drove out the private respondents from there. Out of jealousy, the petitioner named the respondent no.8, a good student, in complaints before the police.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits as follows. Local enquiry revealed that at the time of setting up the shop room, the petitioner took money from the respondent no.7 and her husband and when the latter asked the petitioner to return the money, she denied and closed the shop. However, on the complaint of the petitioner, Bishnupur PS Case No.659 dated 11.10.2021 was started under Sections 341, 323, 325, 354, 427, 506 and 34 of the Penal Code. After completion of investigation, the Investigating Officer submitted charge sheet.

It appears that there is a dispute between the private respondents over a tea stall on a government land. Therefore, there is hardly any scope of interference here.

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

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)