

WPA 7974 of 2023

Mumtaz Begum
-vs-
The State of West Bengal & ors.

Mr. Pinaki Ranjan Mitra
Ms. Gargi Acharyya
...for the petitioner
Mr. Aniruddha Bhattacharyya
Ms. Anushka Bose
Ms. Rai Das

...for the respondent no.5

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

No one appears on behalf of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The factory in question is in the name of the present petitioner. Her husband was running the business. After her husband fell ill, his brother forcibly took control of the business and is in the process of selling all the machinery present in the factory premises. This was brought to the notice of the police authorities, but no action was taken.

Learned counsel for the private respondent no.5 submits as follows. The allegation made in the writ petition are denied. There is a long standing dispute between two brothers over running of the factory. At present, the private respondent is running his own factory at the said premises.

It appears that there are disputed facts for this Court to venture into the same for passing a direction upon the police.

If the petitioner believes that a cognizable case is made out, she shall be at liberty to act in terms of the directions passed in Aleque Padamsee's Case, (2007) 6 SCC 171.

It is made clear that this Court has not gone into the merits of the case.

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.)