

08.07.2024
Ct. No. 14
Sl. No.11
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 8471 of 2023

**Samim Ara Begum
Vs.
The State of West Bengal & Ors.**

Mr. Ziaul Haque
Mr. Himadri Kumar Mahata
... For the petitioner.

Mr. Ashim Kumar Ganguly
Mr. Bellal Sheikh
... For the State.

Mr. Kamal J. Zaman
Mr. Jahangir Hossain
... For the respondent no.5.

Affidavit of service filed by the petitioner in
Court today is taken on record.

The petitioner alleges that the private
respondent no.5 is disturbing in her peaceful
occupation of the portion that has been demarcated in
the partition deed by way of a sketch map.

Complaint was lodged before the police but no
steps is alleged to be taken.

Learned advocate representing the private
respondent no.5 submits, upon instruction that,
though the partition deed has been executed and

sketch map prepared but actual physical partition and demarcation is yet to be made.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Officer-in-Charge, Samsherganj Police Station signed on 7th July, 2024 which mentions that the complaint lodged by the petitioner was duly inquired and the police submitted NCR vide Samsherganj PS PR No.2418/2023 dated 17th March, 2023 under Section 107 CrPC against the opposite party members.

It appears that from the document annexed to the writ petition that the petitioner approached this Court on an earlier occasion by filing writ petition being W.P No.22893 of 2022 which stood disposed of by a coordinate Bench of this Court on 3rd January, 2023 by observing that the police shall ensure that there is no breach of peace in the area and to continue strict vigil thereat. The petitioner was given liberty to approach the Civil Court to protect civil right arising out of the property.

This Court is of the opinion that the direction passed in the order dated 3rd January, 2023 be strictly followed.

Instruction forwarded by the State respondents is retained with the record.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)