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03.07.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 13909 of 2024

**Kalpana Baidya
-versus
The State of West Bengal & Ors.**

**Mr. Kalyan Chatterjee,
Ms. Sudesna Mondal.
...For the Petitioner.**

**Ms. Jayeeta Sinha,
Mr. Ranjit Rajak.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges that the police is not taking any step in response to the several complaints lodged before the police station against the private respondents for torturing and harassing her and her aged husband to vacate the dwelling house where the petitioner and her family reside with the sole intention of grabbing the property which is standing in the name of her husband.

The petitioner has annexed copy of the record of rights in support of the submission that the property is recorded in the name of her husband. The complaints filed by the petitioner before the police are annexed to the supplementary affidavit filed by the petitioner in Court today.

Prayer has been made to direct the police to protect the life and property of the petitioner and her husband.

Report has been forwarded by the Inspector-in-Charge, Joynagar Police Station signed on 2nd July, 2024 which mentions that on the basis of the Court complaint filed by the petitioner, a case was registered before the Joynagar PS vide FIR No. 541/23 dated 2nd December, 2023 under Sections 341/ 447/ 324/ 325/ 506/34 IPC. FIR No. 541/23 has culminated in the Charge Sheet No. 517/23 dated 31st December, 2023.

Similar complaint was lodged by the private respondent no. 12 against the petitioner being Joynagar PS Case No. 479/23 dated 24th October, 2023 under Sections 447/325/307/506/34 IPC and on completion of the investigation of the said case Charge Sheet no. 514/23 dated 31st December, 2023 has been submitted.

From the police report it appears that the property in question is a joint property of the parties who are relatives. Partition suit filed by the husband of the petitioner being Title Suit No. 166 of 2019 stood dismissed for default by the Learned Civil Judge (Senior Division) at Baruipur.

At it appears that the dispute between the parties relates to their joint property as such the police ought not to enter into and adjudicate the civil rights of the parties. The police shall ensure that there is no breach of peace in the locale and the life and property of the parties are not jeopardized in any manner whatsoever.

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.)