

WPA 14394 of 2024

Ashura Khatun
-vs-
The State of West Bengal & ors.

Mr. Kaustav Chatterjee

..for the petitioner

Mr. Partha Chakraborty

Ms. Disha Shukla

Mr. Muhammad Obaid

...for the respondent nos. 5 to 8

Mr. Sk. Md. Galib

Ms. Sujata Mukherjee

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. She was gifted this property by her mother by a registered deed. The private respondents are neighbors. Taking advantage of the fact that the petitioner is a spinster and has no one look after, the private respondents have been trying to grab the petitioner's property. A title suit was filed and an order of injunction of status quo was granted. Time and again, the petitioner has approached the police with complaints about illegal activities of the private respondents including keeping building materials in the petitioner's property, preparing a temporary structure

thereon and inflicting torturing including verbal abuses. The private respondents are even chopping of trees situated on the said property. But, the police have not taken any step.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The private respondents had agreed to purchase a share in the property from a sister of the petitioner. In this way, they had taken possession of a portion of the property in 2014 in part performance of an unregistered and notarized agreement for sale.

Learned counsel appearing on behalf of the State submits that at the behest of the petitioner, an FIR was registered. A charge sheet was also submitted in respect of the same in 2019. On the present complaint, a general diary was lodged at the police station.

It appears that a Civil Suit is pending between the private parties. While the petitioner has shown a deed of gift giving her the right to the property in question, the private respondents have only claimed that they have entered into an unregistered agreement for sale with a sister of the petitioner.

It also appears that the police authorities had earlier taken steps by registering an FIR on the complaint of the petitioner and in filing a charge sheet. However, it does not appear that the police authorities have explored the possibility of initiating a proceeding under Section 107 of the Code, considering the number of complaints that the

petitioner has allegedly made with the police.

If any of the parties wants to establish any further right in respect of the property, the same has to be done before the learned Civil Court and not by use of brute force.

The police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place. The surveillance shall include frequent visits by police patrol.

The police shall also explore the possibility of initiating a proceeding under Section 107 of the Code.

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to approach the Officer in Charge of Deganga Police Station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)