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25.09.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 21489 of 2024

Smt. Ritashree Maitra @
Ritasree Moitra

Vs.

The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee,
Mr. Poulam Dey,
Mr. Kiran Mallick

...for the petitioner

Mr. Jayanta Samanta,
Mr. Subhendu Sengupta

...for the State

Mr. Mujibar Ali Naskar,
Mr. Md. Abdul Alim

...for the private respondents

Affidavit of service filed today is taken on
record.

The petitioner submitted a representation before various authorities including the Inspector-in-Charge, Khardah Police Station. It has been specifically stated in the said representation that in spite of an order of stay passed by this Hon'ble Court in S.A. 95 of 1994, the private respondents in violation of an order passed in the aforesaid second appeal has constructed a new boundary wall by demolishing the old one.

The learned Advocate representing the private respondents denies the aforesaid allegation made in the said representation.

Mr. Samanta, learned Advocate for the State files a report of the Officer-in-Charge, Khardah Police Station, dated August 30, 2024, wherein it has been stated that pursuant to the complaint lodged by the petitioner, a First Information Report was registered and after completion of investigation, Khardah P.S. Charge Sheet No. 438/24 dated 28/4/24 under Sections 447/448/323/354/427/506 of the Indian Penal Code has already been submitted.

In view thereof, there is no inaction on the part of the police authorities. In case, the petitioner is aggrieved by the action of the private respondents with regard to violation of the order passed in the second appeal, the petitioner is left free to take appropriate steps in the aforesaid second appeal, which is stated to be still pending before this Court.

The report filed by the State respondents is taken on record.

With the above observations and directions, this writ petition stands disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)