

Sl.No.

73 05.11.2024

Court

No. 35

G.S.Das

WPA 24201 of 2024

Sahamina Khatun & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Jyoti Prakash Chatterjee

... for the petitioners

Mr. Dhananjay Banerjee

... for the respondent nos.6-10

Mr. Suman Sengupta, Sr. Govt. Adv.

Mr. S. Dutta

... for the State

The petitioners are aggrieved by the fact that in spite of the directions passed by the learned Civil Judge (Junior Division), Kalna, no efforts have been taken to comply with the order.

So far as the directions which were passed upon Purbasthali P.S., learned advocate for the petitioners submit that they are unable to enter and enjoy the property which belong to them.

Learned advocate also draws the

attention of the court to the complaint lodged with the Inspector-in-charge of Purbasthali P.S. on 30th of May, 2024, as also the complaint which has been forwarded to the Superintendent of Police, Purba Bardhaman on the same date.

Learned advocate appearing on behalf of the State has submitted a report. The report reflects that pursuant to the directions passed by the learned Civil Judge (Junior Division), Kalna in T.S. 66 of 2024, the surveyor has conducted the survey in presence of both the parties and with the assistance of the police force of Purbasthali P.S. on 13.07.2024. The last of the order-sheet which has been enclosed is of 12.07.2024.

The police authorities have prepared this report on 06.10.2024, which reflects that the present situation is peaceful.

Having considered the overall circumstances and the grievances of the present petitioners, I direct that the police authorities would respect and obey the orders and directions passed by the learned Civil Judge (Jr. Division), Kalna in T.S. 66 of 2024. The police authorities would also keep a strict vigil so that no breach of peace and tranquility takes place at the locale and the property in question as also ensure that the petitioners as well as the private respondents whoever is the owner of the said property are able to enjoy the property which belong to them.

So far as the act and actions of the police authorities are concerned in respect of the complaint dated 30th of May, 2024, which was submitted with the Inspector-in-charge of Purbasthali P.S. as well as the Superintendent of Police,

Purba Bardhaman, to that effect, the petitioners would be at liberty to approach the jurisdictional criminal court by way of invoking the provisions of Section 175 of the BNSS and/or Section 223 of the BNSS, 2023.

In case, such application is preferred, the jurisdictional criminal court would adhere to the strict provisions of law and arrive at a *prima facie* finding whether any offence is made out and, then, pass necessary directions for proceeding in accordance with the law.

With the aforesaid observations, WPA 24201 of 2024 is **Disposed of**.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate for the petitioners.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)