

329 21.03.2024
NB Ct. 14

WPA 25444 of 2023

Mahamuda Begum
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das,
Mr. Biplab Adak,
Ms. Aparajita Mondal.
...for the petitioner.

Mr. Suman Ghosh,
Mr. Biswajit Dutta.
....for the State.

Mr. Jayanta Kr. Mukhopadhyay,
Mr. Subhendu Singha Roy.
...for the respondent nos.4 to 8..

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. The private respondents have been falsely claiming to be the owner of the same property. They filed a civil suit, which was dismissed. Even the appeal preferred by them was dismissed for default. Thereafter, they have filed a criminal case being Haripal PS Case No.323 dated 27.07.2023 under Sections 420, 406, 467, 468, 506 and 34 of the Penal Code in respect of the same. This Court granted anticipatory bail to the petitioner by an order dated 22.01.2024 passed in *CRM(A) 4934 of 2023*.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and

submits that they had purchased the property from the erstwhile owner, one Bharati Das.

Learned counsel appearing on behalf of the State denies any police inaction and submits that there is a civil dispute pending between the private parties.

It appears that there is a private dispute pending between the parties.

If any of the parties wants to establish any further right in respect of a property, the same has to be done before a competent civil Court.

However, in the event the petitioner believes that a cognizable case is made out on his complaint, he shall be at liberty to proceed in terms of the ratio laid down in ***Aleque Padamsee*** Case, (2007) 6 SCC 171.

Therefore, no further order need be passed in this case.

With these observations, the writ petition is disposed of, however, without any costs.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

