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Court no. 14
04.01.2024
D.Hira

W.P.A. 25823 of 2023

Manteja Bibi
-versus
The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Shamim Ul Bari.
... for the petitioner

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.
... for the State

Report filed on behalf of the State is taken on record.

No one appears on behalf of the private respondents despite earlier intimation by the petitioner as well by the local police authorities.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the landed property in question. Dag no. 490 is her residential house. The private respondents are the local miscreants including a Panchayat member. They are trying to disturb the possession and enjoyment of the property by the petitioner. They want to grab the petitioner's property. This was brought to the notice of the police authorities, but no steps were taken. In the event, the petitioner is unable to stay at her residence out of fear of harm from the private respondents, she should at least be allowed to take back her belongings kept at her residence.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. During enquiry the petitioner was urged to name the persons who were responsible for the misdeed she refused to name anyone and said that the matter was being amicably settled. However, enquiry further revealed that since the land

belonging to the petitioner and others were not well-demarcated, disputes had arisen which were nonetheless civil in nature. The warring parties are the petitioner who is the widow of the original land owner and the others are the heirs from another wife of the original owner.

It appears that a dispute exists between the private parties over the land in question.

However, it appears from the copies of documents annexed in the writ petition that petitioner's name has been recorded as the owner in respect of several plots of land including Dag no. 490 which purportedly houses her residence.

If any of the parties wants to establish any further rights in respect of the property in question, the same has to be done before the Civil Court.

In the absence of any order of a competent Civil Court contrary to the record of rights, the petitioner shall be entitled to reside at her own place. She shall also be entitled to collect her household articles from her residence if she wants to move somewhere else.

The police authorities shall keep a vigil at the locale and ensure that no breach of peace takes place and ensure that no order of a Civil Court is violated.

The surveillance shall include frequent vigil by the police petrol.

In the event, the petitioner wants to collect her household articles from her residence, she shall be provided necessary police protection for doing so upon a twenty four (24) hours' prior notice given by the petitioner to the Officer-in-Charge of the Patrasayer PS.

No further order needs to be passed in this regard.

With these observations, the writ petition is disposed of.

Since no affidavits have been directed to be exchanged in the writ petition, all the allegations contained

therein are deemed not to have been admitted by the parties.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)