

March 8, 2024
AD 288
Ct. No.14
SG

WPA 26274 of 2023

Ratna Mukherjee
vs.
The State of West Bengal and others

Mr. Ivan Roy
... for the petitioner.

Mr. Ansar Mondal
Mr. Asish Dutta
... for the State.

Mr. Kaustav Bhattacharya
... for the respondent Nos.6 to 8.

Affidavit of service filed in Court is taken on record.

Learned advocate for the petitioner submits as follows. The petitioner is a senior citizen. The respondent No.6 is the wife of the petitioner's brother and the respondent Nos.7 and 8 are the brother and sister of the respondent No.6. The father of the petitioner owned the property in question. He made a Will bequeathing the property to certain persons. The petitioner was also the executor. She obtained probate and discharged her duty of having shares distributed to the respective co-sharers. However, the private respondents thereafter started disturbing the peaceful possession of the property by the owners. An order of status quo was granted by the civil court. A favourable order was also passed by the learned Magistrate under Section 144 of Cr.P.C.

Learned advocate for the private respondents submits that the private respondents have never disturbed the possession of the property by the co-sharers. The private respondents are senior citizens. In fact, only the respondent No.6, an aged widow, is staying at the property. Actually, the petitioner wants to develop the property. That is why she wants to have an order in her favour.

Learned advocate for the State submits that the police are keeping a close watch on the developments in the locality.

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

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

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a court is violated.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

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

[Jay Sengupta, J.]

