

11.07.2025
Court No. 35
Item No.17
Rakib

W.P.A. 28357 of 2024
With
CAN 1 of 2025

Selima Bibi.
VS
The State of West Bengal & Ors.

Mr. Kishore Mukherjee,
Ms. Dipanwita Gupta.
...for the Petitioner.
Mr. Rahul Kumar Singh.
...for the Applicant.
Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh.
...for the State.

In Re: CAN 1 of 2025

The applicant has taken out an application wherein it has been contended as follows:

“23. Armed with the Judgment and Order dated 11th December 2024 passed by this Hon'ble Court, the Petitioner and the Respondent Police Officials are now continuously pressurising the Applicant to vacate the said land falling which the Respondent Police Officials have threatened the Applicant with penal consequences. However, despite several pleas of the Applicant, the Petitioner has not yet been called upon by the Police Officials to establish the fact that she paid an amount of Rs. 13 Lakhs to the Applicant for purchasing the said land.

24. It is stated that this Hon'ble Court did not declare the Title or the possession of the Petitioner on the said land. This Hon'ble Court allowed the Petitioner to enter the said land with a caveat that such entry of the Petitioner would only be facilitated if the said land belonged to the Petitioner. The Respondent Police Officials without ascertaining

such vital fact, without ascertaining whether the Petitioner actually paid the Applicant an amount of Rs. 13 Lakhs by Cheque, and in complete ignorance of the pendency of suit as well as the Order of injunction are now coercing the Applicant to vacate the said land and hand it over to the Petitioner for some extraneous consideration.”

Learned advocate appearing for the appellant submits that a Misc. Appeal No. 3 of 2025 has been preferred before the learned Additional District Judge, 1st Court, Barrackpore wherein the learned Court was pleased to direct an ad interim injunction thereby restraining the respondent to create any charge, mortgage, liability, interest or in any manner from transferring, alienating or creating third party interest, by sale or otherwise in respect of the suit property. It has been informed pursuant to the same padlock has been affixed at the suit property.

Having considered the nature of dispute which has been complained of by the applicant and that the Civil Court is already in seisin of the issue, I am of the view that let the Civil Court take a decision on the subject issue referred. As according to the applicant there has been a change of circumstances pursuant to the police authorities' overt acting by way of evicting the applicant.

Be that as it may, since the admitted position is that the rooms are under lock and key, the aforesaid direction would remain and the police authorities would

continue their surveillance as was directed in WPA 28357 of 2024. The applicant or the petitioner if they are aggrieved would approach the jurisdictional Civil or Criminal Court in respect of the nature of disputes which they complain and requires interference by a Court of law.

Accordingly, CAN 1 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)