

D/L 187
17.04.2025
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ct.no.35

W.P.A.5480 of 2023

**Smt. Sabita Maity
Versus
The State of West Bengal & Ors.**

Mr. Raj Kumar Sain.
...for the petitioner.
Mr. Tarak Karan.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the manner in which police authorities aided the private respondents for carrying out their illegal activities particularly with regard to the manner in which the petitioner's house was ransacked by force and show of force. Information was furnished to the police authorities but the police authorities misled the petitioner by misrepresenting that pursuant to orders of court, the private respondents have been carrying out the demolition work.

State has submitted a report. Report reflects that there has been dispute over a plot of land as there was no partition and demarcation of the property. The dispute is essentially inter se the family members. Both the parties have filed civil suit. Consequently, informations were furnished with the police authorities and the police authorities have

registered cases being Tamluk Police Station Case No.126 of 2023 wherein charge-sheet has been submitted. Subsequently, Tamluk Police Station Case No.153 of 2023 has been registered and after investigation charge-sheet has already been submitted. There were orders also from the learned Executive Magistrate.

Be that as it may, the nature of the dispute complained of has its genesis in respect of the property-in-dispute which the police authorities did not have any power to interfere. Since the criminal cases are before the jurisdictional court, if there is any grievance relating to the criminal case, petitioner will approach the jurisdictional court.

So far as the other issues relating to property is concerned, since the civil suit has been preferred by the parties, the petitioner would approach the jurisdictional civil court for remedies which she is entitled under the civil law. Lastly, so far as the act and action of the police authorities are concerned, petitioner informed the SDPO, Tamluk. However, there were no specific allegations in relation to the overtact except to the extent that the police authorities misrepresented to the petitioner in respect of a court order and in spite of having knowledge,

allowed the private respondents to carry on their illegal activities.

Be that as it may, since the criminal case has already been registered if in course of the trial of the case the name of any police officer surfaces, in that case, the learned Magistrate would be at liberty to take action under Section 319 of the Code of Criminal Procedure.

It has been informed that the dispute and difference till date is subsisting between the parties, consequently, the Officer-in-Charge of the local police station would ensure that no further untoward incident results because of such strained relationship existing between the parties.

With the aforesaid observations, WPA 5480 of 2023 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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

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

(Tirthankar Ghosh, J.)

