

25.03.2025
Court No. 35
Item No.38
Rakib

W.P.A. 5736 of 2025

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

Mr. Debashis Sen,
Mr. Mrinmoy Chatterjee,
Mr. A. Patra.

... for the Petitioner.

Mr. M.D. Wasim Akram,
Mr. Sabrina Parveen.

...for respondent no.8.

Mr. Sonal Sinha, Ld. AGP.,
Mr. Gourav Das.

...for the State.

Petitioner submits that she purchased the property by paying a sum of Rs.10,00,000/- to all the private respondents. Subsequently, their names were removed from the record of rights in an appeal under Section 54 of the West Bengal Land Reforms Act, 1955. Consequently, the petitioner has lost her money as the private respondents had no title over the property. Petitioner therefore, prayed for refund of sum of Rs.10,00,000/- and to that extent the private respondents refused. Information was furnished to the police authorities.

Report has been submitted on behalf of the State. State has only drawn up proceedings under Section 126 of the BNSS.

In view of the remedy sought for in the writ petition, I grant liberty to the petitioner to approach the learned Chief Judicial Magistrate, Malda under Section

175(3) of BNSS. Learned Magistrate would assess regarding the accusations made and as to whether the same relate to any cognizable offence. In case the learned Magistrate is of the opinion that a cognizable offence is made out necessary direction may be passed upon the English Bazar Police Station to proceed in accordance with law.

With the aforesaid observations WPA 5736 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.)