

25.02.2025
Court No. 35
Item No.16
Rakib

W.P.A. 5957 of 2023
Felura Bibi @ Rokeya Bibi.
VS
The State of West Bengal & Ors.

Mr. Samrat Paul,
Mr. Anisur Rahaman,
Mr. M. Mondal.

... for the Petitioner.

Mr. Md. G.N. Imrohi.

...for private respondent..

Mr. Amit Kr. Ghosh.

... for the State.

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

Petitioner is aggrieved by the excesses of the police
authorities. It has been pointed out that pursuant to
distorted facts being placed before a Court of law the
learned Civil Judge (Junior Division), 1st Court,
Berhampore, Murshidabad passed a direction which
caused interference with the enjoyment of the property of
the petitioner. Police authorities are not cooperating with
the petitioner inspite of they being informed.

Learned advocate for the private respondent
submits that a Civil Court has passed order by exercising
its jurisdiction and there are alternative remedies
available under the statute.

As none appears on behalf of the State, Mr. Amit
Kr. Ghosh, learned advocate who ordinarily appears for
the State is directed to represent the State. His

appointment may be regularized by the concerned authorities.

In view of the fact that the police authorities had been acting pursuant to the directions passed by a Court they were discharging their function officially and as such no interference of this Court can be made. Additionally, petitioner has an alternative efficacious remedy under the relevant provisions of law, petitioner if so advised would approach the jurisdictional, revisional or appellate forum for exhausting his remedy.

So far as the provisions of article 226 of the Constitution of India is concerned this Court do not intend to interfere with the act and action of the police authorities.

With the aforesaid observations, WPA 5957 of 2023 is disposed of.

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.)