

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6185 of 2025

Smt. Sikha Haldar
v.
The State of West Bengal & Ors.

Mr. Partha Sarathi Mondal
... For the petitioner

Mr. Somnath Ganguly
Ms. Sangeeta Roy
... For the State

Mr. Saumen Gayen
Mr. Sandipan Maity
... For the private respondents

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

Petitioner is aggrieved by the fact that she has been facing threats, abuse, assault as also aggrieved by the inaction of the police authorities for no steps have been taken in spite of she claiming to be the recorded owner and unable to enjoy the property in question. In fact, it has been alleged by the petitioner that the private respondents have threatened for murdering her.

Learned advocate for the private respondent nos.5 to 7 points out that a preemption case has been preferred before the jurisdictional civil court and to that effect submits that an ad interim order of injunction has been passed.

State has submitted a report. The report reflects that on 25th November, 2024, proceedings have been drawn up under Section 126 of the BNSS and the police authorities have kept a sharp vigil in respect of the area.

So far as the right, title, interest and the usage of the property is concerned, the civil court would be the appropriate authority to decide the same and to that extent, there is no interference of this Court.

However, police authorities would keep strict vigilance and ensure that no untoward incident arise because of the existing strained relationship between the parties.

Petitioner, in case is aggrieved by the inaction of the police authorities, would approach the jurisdictional criminal court in case of any cognizable/non-cognizable offence having been made out.

Learned Magistrate would conduct an enquiry adhering to the provision of law and thereafter exercise his discretion either to proceed or not to proceed with the case.

With the aforesaid observation, WPA 6185 of 2025 is disposed of.

Report as submitted by the learned advocate for the State be kept with the record.

Needless to say, since no affidavits have been called for from the respondents, allegations made in the writ petition are deemed not to have been admitted.

All parties shall act on the basis of a 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 given to the parties, upon compliance of necessary formalities.

(Tirthankar Ghosh, J.)