

07
19.05.2025
Ct. No. 11
Jayanta

MAT 670 of 2025
in
IA No. CAN 1 of 2025

Archana Ray
Vs.
The State of West Bengal & Ors.

Mr. Sourov Mondal
Mr. Arwit Bhuiya
Mr. Rony Mondal

.... For the Appellant.

Mr. Joydip Banerjee
Mr. Prabir Kumar Roy

..... For the State.

Mr. Riddhiman Mukherjee
Mr. Anish Roy
Mr. Soujanya Pattanayak

..... For the Respondent Nos. 9 & 10.

The present appeal has been preferred challenging an order dated 23rd April, 2025 passed by the learned Single Judge in a writ petition being WP 7715 of 2025.

Mr. Mondal, learned advocate appearing for the appellant submits that the appellant is an aged lady of 65 years. She purchased the property situated at Mouza: Nasigram, J.L. No. 89, Khatian No. 1330, under Dag No. 1288, 6117, 6126, 8220, 12697, 12744, 8446/9888 and 8447 (hereinafter referred to as the said property) by two sale deeds executed in the year 1978. The said property was thereafter mutated in her name and she was utilizing the said property for agricultural purposes. Subsequent thereto, in the month of March, 2025, the private respondents threatened the appellant of dire consequences and prevented her from entering into the

said property. A complaint to that effect was lodged on 6th March, 2025 against the private respondents. However, no steps were taken by the police authorities and aggrieved thereby the appellant was constrained to prefer the writ petition.

He argues that the learned single Judge erroneously proceeded on the basis that the property in question was an ancestral property though fact remains that the property was purchased by the appellant in which the private respondents have no right, title and interest.

Mr. Pattanayak, learned advocate appearing for the respondent nos. 9 and 10 denies and disputes the contention of Mr. Mondal and submits that they have been falsely implicated and they have not disturbed the appellant in any manner whatsoever.

Mr. Banerjee, learned advocate appearing for the State respondents submits that the allegations levelled against the police authorities are absolutely unfounded. On the basis of the complaint lodged by the appellant a specific case has been registered being Bhatar PS Case No-170/25 dated 6th May, 2025 under Sections 115 (2)/74/308 (3)/3 (5) of B.N.S. and that investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears from the order impugned, that the learned single Judge arrived at a finding that the dispute was relating to right, title, interest and possession pertaining to an ancestral property and that the appellant ought to have approached the competent Civil Court. However, the learned single Judge was pleased to direct the police authorities to ensure that no breach of peace and/or tranquility takes place because of the inimical relationship between the parties.

We do not find any infirmity in the said order. Furthermore, the police authorities have already taken steps on the basis of the complaint lodged by the appellant and a formal case has been registered and investigation is still continuing.

In view thereof, no interference is called for in the present appeal and the same alongwith the connected application is disposed of with a direction upon the police authorities to complete the investigation as expeditiously as possible.

Needless to observe, the appellant would also be at liberty to take appropriate steps before the competent Civil forum, if so advised and in accordance with law.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)