

Sl.No. 30.06.2025
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Court
No. 35
G.S.Das

WPA 12935 of 2025

Safia Laskar (Bibi)
-Vs-
The State of West Bengal & Ors.

Mr. Mainak Bose
Mr. L. N. Bhattacharya

... for the Petitioner(s)

Mr. Rajarshi Basu
Mr. Subhendu Sengupta

... for the State-respondent(s)

Mr. Saumen Gayen
Mr. Sandipan Maity

... for the private respondent(s)

Learned advocate for the petitioner
has approached this Court being aggrieved
by the inaction of the police authorities.

According to the petitioner, the
police authorities should assist her in
cases of cultivation as the private
respondents have been interfering when
the labourers are carrying out the work.

Additionally, it has been contended
that inspite of receipt of this information
Kultali P.S. did not take any steps. The
petitioner claims to be the owner of the

land by virtue of a decree passed by the learned Civil Court. It has also been contended that a Second Appeal, which was preferred at the behest of the defendants in the civil suit, was also dismissed. Consequently, the petitioner is entitled to get the benefit of the decree passed by the learned civil court.

Learned advocate for the petitioner, to that effect, has relied upon a judgment of the Hon'ble Supreme Court in *P.R. Murlidharan & Ors. -vs- Swami Dharmananda Theertha Padar & Ors.* Reported in [(2006) 4 SCC 501] Paragraph 19 of the said judgment is set out below:

“19. A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or

order.”

Learned advocate submits that since the decree has been passed by the learned civil court, the petitioner's property should be protected by the police authorities.

State has submitted a report which reflects that pursuant to the information dated 07.05.2025 furnished by the petitioner, an enquiry was conducted by the Inspector-in-charge of Kultali Police Station and the Inspector-in-charge of Kultali Police Station categorically records that the landed property which is claimed by the petitioner on enquiry reflects that the o.p. is in possession.

Learned advocate for the petitioner raises objection that there is no scope of the o.p. being in possession, since the decree was passed by the learned civil court in her favour and the private respondents are alien to the property and,

may be the subsequent buyer from the defendants who have lost their right in the civil court.

Learned advocate for the private respondent nos. 10-16 submits that the property belongs to the *Masjid* committee and the petitioner has no right over the same.

Be that as it may, since there is dispute regarding the possession of the property which, according to the police report, is *presently* at the occupation of the private respondents, I am of the opinion that, at this stage, the police authorities without appropriate direction will not be able to exercise their rights as prayed for by the petitioner. The only limited extent to which the police authorities can exercise their rights would be by way of keeping surveillance and ensuring that no untoward incident results because of the nature of the claim placed by the petitioner and the private

respondents.

It is palpable from the records that the petitioner and the private respondents are at loggerheads. If the police authorities while exercising their powers feel that deployment of police must be required, in that case, the same may be extended according to the demand of the situation.

With the aforesaid observations, WPA 12935 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

