

10.04.2025

Court No. 35

Item No.18

Rakib

W.P.A. 27459 of 2024

Lutfannesa Khatun Molla.

VS

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,

Mr. Badrul Karim,

Mr. Monalisha Sinha,

Mr. Debabrata Mondal,

Mr. Dinesh Ch. Mondal

... for the Petitioner.

Mr. Tanweer J. Mondal,

Ms. Somashree Dey,

Ms. Swastika Roy.

...for the private respondents.

Mr. K.J. Yusuf, Ld. AGP,

Mr. Parikshit Goswami.

...for State.

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

Petitioner is aggrieved by the fact that she is unable to enter the property as she is obstructed by the private respondents.

Learned advocate appearing for the State submits that there has been suppression of facts, the suppression is to the extent that earlier order passed by the Coordinate Bench has not been spelt out or enclosed in the writ petition, wherein it surfaced that there is a dispute between the father of the present petitioner who had gifted the property in her favour.

It has also been pointed out by the private respondents that a Civil Suit is pending between the parties.

Since the Civil Court is already in siesin of the issue, the petitioner would approach the Civil Court for necessary remedies. There is no scope for interference by this Court.

Accordingly, WPA 27459 of 2024 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate for the petitioner.

Needless to state that since no affidavit has been called for by the respondents the accusations made in the writ petition are deemed not to have been admitted.

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.)