

27.03.2025

Item No.75

Crt.No.02

b.r.

(ASSIGNED)

WPA 27875 of 2024

Rohida Bibi @ Rashida Bibi & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Rajendra Banerjee

..... for the petitioners.

Ms. Ipshita Banerjee

.... For the State-Respondent nos.1 to 3.

Affidavit of service filed in Court today, is taken on record.

Mr. Rajendra Banerjee, learned Advocate appears for the petitioners.

Ms. Ipshita Banerjee, learned State counsel appears for respondent nos. 1 to 3.

None appears for the private respondent nos. 4 and 5.

This is an assigned writ petition.

Ms. Banerjee, learned State counsel submitted a police report issued under the seal and signature of the Inspector-in-Charge, Raghunathganj Police Station dated **November 26, 2024**, the same is taken on record.

The connected writ petition, **WPA 16508 of 2024** already stands disposed of by this Court by an

order dated **December 6, 2024**. A copy of the said order is also kept with the record.

The petitioners claim to be owner of an immovable property. The petitioners complain of that the private respondents are resisting the petitioners from erecting the boundary wall surrounding their property. The petitioners have lodged a police complaint before the jurisdictional local police authority.

Mr. Banerjee, learned counsel appearing for the petitioners places a decree passed by the jurisdictional Civil Court dated **April 30, 2004** and submits that the jurisdictional Civil Court has declared the right and possession of the erstwhile owner of the land from whom the petitioners have purchased the land.

In course of the submissions it is stated that the private respondents have all along contended the subject immovable property is a **Waqf** property. The private respondents are not represented today.

Be that as it may, the scope of this writ petition is very limited as the petitioners allege police inaction. The report placed by the State shows that the police authority has taken the possible steps in accordance with law pursuant to the complaint

lodged by the petitioners. Necessary criminal case has already been registered.

In view of the above, this Court is satisfied that the police authority has taken steps in accordance with law till now and there has been no inaction on their part as of now.

It is made clear that this Court has not expressed its opinion or view or any observation on the right, title and interest of the petitioners or whether the property is **Waqf** or not.

Accordingly, no further order is required to be passed in this writ petition.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents

With the above observations, this writ petition, **WPA 27875 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)