

D/L 294
10.07.2025
ct.no.35
Kausik

W.P.A. 29380 of 2024

**Papiya Dey
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya
Mr. Arpan Kr. Bairagi

...for the petitioner.

Mr. Md. Nawaz Rahber
Mr. Muhammad Jawwad
Mr. Shahin Parveen

...for the private respondent.

Mr. Amal Kr. Sen, AGP
Ms. Ashima Das (Sil)

...for the State.

Petitioner is aggrieved that in spite of direction passed in WPA 30802 of 2024 wherein this Court directed as follows :-

“Be that as it may, in case the petitioner and her husband were earlier staying at the premises referred to in the writ petition and were removed at the behest of certain persons without authority of law and without any consideration, in that case, if the petitioner and her husband approaches before the concerned police authorities, the police authorities would assist the petitioner and her husband to enter into the premises.”

Learned Advocate for the petitioner submitted that the State was directed to comply with the said order. However, State failed to comply with the order and this Court should ensure in the present writ petition that the petitioners are restored to their original possession of their residence.

Learned advocate for the private respondent submits that there were considerations which were paid. However, the petitioner had been escalating the amount from time to time and as such difference and dispute arose between the parties. It has also been submitted that never force was used at the behest of the private respondents.

The State has submitted a report which reflects that on physical inspection it was found that the respondents are in possession. However, the police authorities found that the premises were under lock and key. This Court on earlier occasion directed the police authorities to ascertain regarding the genuinity of the signatures in the documents which were placed before this Court at the behest of the private respondent. The same on being ascertained by the QDEB, CID, West Bengal were found to be not matching. Reports which have been submitted also reflect that a civil suit is pending between the parties which were initiated at the

behest of the petitioner. Again Mandir Bazar PS Case No. 542/2024 dated 21.12.2024 has been registered for investigation which incorporates within its ambit the issues relating to physical assault. Since the documents which have been assessed at the behest of the handwriting expert pursuant to the direction of this Court reflects that the signatures are questionable in respect of certain documents. Police authorities are directed to incorporate appropriate sections of law in respect of Mandir Bazar PS Case No. 542/2024.

So far as the issue relating to possession is concerned petitioner would be at liberty to approach the jurisdictional civil court which is already in seisin of the matter for exhausting her remedies.

Needless to state that so far as the criminal case is concerned, police authorities would put in their efforts so that within a reasonable period of time the investigation of the case is taken to its logical conclusion.

With the aforesaid observations WPA 29380 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)