

08
23.12.2025
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A 2511 of 2025

**Ameda Bibi
-versus
The State of West Bengal & Ors.**

**Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Subir Kumar Saha, Ld. AGP,
Ms. Bedashruti Bose.
...For the State.**

1. None appears on behalf of the private respondents. Affidavit of service filed in Court is taken on record.

2. The petitioner alleges inaction on the part of the police in taking steps in response to the complaint lodged by her before the Dinhata Police Station.

3. The petitioner is a widow and she claims that the subject property was gifted by her husband during his lifetime.

4. It has been alleged that the private respondents forcefully drove away the petitioner and her aged mother from her matrimonial house and has put padlock on the main entrance. The petitioner and her aged mother are compelled to reside elsewhere.

5. Prayer has been made to direct the police to restore possession of the house to the petitioner.

6. Learned advocate representing the State respondents has obtained instruction from the Inspector-in-Charge, Dinhata Police Station signed on 18th December, 2025 wherefrom it appears that an FIR has been registered by the police on receipt of the

complaint of the petitioner being FIR No. 612/2025 dated 18th December, 2025, P.S.-Dinhata. The investigation of the said case is proceeding.

7. The report discloses that the petitioner and the private respondents assert rival claim of ownership in respect of the subject property.

8. As it appears that the petitioner and the private respondents both claim ownership of the subject property, it will not be proper for the writ court to issue any direction upon the police for handing over possession of the same to the petitioner.

9. As the petitioner claims that she has all her personal belongings inside the room that has been pad locked, accordingly, the petitioner shall be permitted to take back her essential belongings for the time being in the presence of the police who shall ensure that the pad lock is opened by the private respondents.

10. It will be open for the petitioner to approach the competent civil court for obtaining necessary order with regard to the subject property.

11. The police shall strictly ensure that there is no breach of peace and tranquility at the time of removal of the personal belongings of the petitioner.

12. The process of removal of the personal belongings shall be video recorded by the parties and preserved for future reference.

13. The writ petition stands disposed of.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)