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rkd 01.07.2026
Ct.05

W.P.A. 13416 of 2026

Smritirekha Ojha

-vs-

The State of West Bengal & Ors.

Mr. Arun Goswami,
Mr. Malay Bhattacharyya,
Ms. Suparna Basu,
Mr. Snehan Ganguly

....for the petitioner.

Mr. Arnab Dutt,
Mr. Tathagata Ganguly

....for the respondent nos.4 to 8.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee,
Ms. Sumita Sarkar

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is submitted on behalf of the petitioner that petitioner is a beneficiary of a probate granted by appropriate forum in connection with will made by petitioner's husband.
3. It is submitted that in spite of probate granted by court of law private respondents being daughters of petitioner are disturbing the propounders including the petitioner in enjoying peaceful possession over the property in question prompting the petitioner to approach this Court with the present writ petition seeking direction upon the concerned police authorities to take

steps which would protect the right of the petitioner over the property in question.

4. Respondent nos. 4 to 8 and State respondents are represented by learned advocates.
5. It is submitted by the learned advocate representing respondent nos.4 to 8 that the order granting probate is an ex parte order prompting the private respondents to approach coordinate Bench for revival of proceeding on condoning the delay caused in approaching the Court. An order passed by a coordinate Bench on 24th April, 2026 is placed before this Court and same is taken on record.
6. By the said order dated 24th April, 2026 coordinate Bench allowing the applications of the private respondents condoned the delay in approaching the Court subject to payment of costs. Matter was fixed for consideration in the month of May, 2026.
7. It is submitted on behalf of the private respondents that still this matter is pending before the coordinate Bench for adjudication.
8. Mr. Das, learned Additional Government Pleader representing the State respondents has filed a

communication dated 23rd June, 2026 of Inspector-in-Charge, Duttapukur Police Station, Barasat Police District and same is taken on record. Copies of the communication dated 23rd June, 2026 are made over to the learned advocates representing the petitioner and private respondents.

9. It is disclosed in the communication dated 23rd June, 2026 that acrimony between the petitioner and private respondents gave rise to two parallel criminal prosecutions, one is Duttapukur Police Station Case No.368/2026 dated 19th May, 2026 based on complaint lodged by the petitioner and another is Duttapukur Police Station Case No. 379/2026 dated 22nd May, 2026 based on complaint lodged by the private respondents.
10. Without making any observation with regard to pendency of proceeding before the coordinate Bench in connection with probate, Court directs the concerned police authorities to take necessary steps in accordance with law for the sake of investigation of the aforesaid criminal prosecutions and take those prosecutions to logical conclusion at an early date by filing report

before the jurisdictional Magistrate.

11. Leave is granted to the petitioner to approach jurisdictional Magistrate, if occasion so arises.
12. Writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)