08.10.2026

DL/35
Ct. No. 758

Mujahid,
A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Case No.

WPA 20274 of 2025

In the matter of :

Malati Sardar

... Petitioner

VS.

The State of West Bengal & Ors.

... Respondents

For the petitioner :

Mr. Raja Biswas

Mr. Abhijit Sarkar

... Advocate

1. The petitioner submits that the petitioner is the owner of a property situated in District North 24 Parganas, P.S. Nazat, under Mouza Boyarmari Abad, JL No.22, bearing Dag No.1612 and the petitioner and her family had been peacefully possessing of the said land.

2. It is stated that the private respondents who have no right, title and interest over the said property are attempting to grab the petitioner's property.

3. The petitioner filed a proceeding under Section 144(2) Cr.P.C. before the Sub-Divisional Magistrate Court. In such circumstances, where appropriate orders were passed.

4. It is submitted that after the private respondents tried to forcefully enter the petitioner's land, the petitioner further lodged a complaint dated 19th

September, 2020 before the police authorities. Subsequently, a G.D. dated 21st April, 2022 was also lodged in the aforesaid background.

5. The petitioner, was, thereafter compelled to lodge a private complaint vide No. C-1312022 before the learned Additional Chief Judicial Magistrate at Basirhat alleging commission of offences punishable under Sections 147, 448, 323, 427, 379, 354 and 120B of IPC against the private respondents. The matter is pending.

6. The petitioner has filed the present petition for a direction upon the police authorities to give police protection to the petitioner and restrain the private respondents from entering the petitioner's land.

7. This Court is of the considered view that the grievances of the petitioner are pertains to its rights over a land. The private respondents are attempting to infringe upon the petitioner's right over such land. The petitioner can ventilate such grievances before the appropriate civil court for obtaining an order of injunction and no order under Article 226 of the Constitution of India can be passed in the these circumstances. For this Court to pass such an order would require this Court to look into and adjudicate a private dispute and their rival submissions on merits of their respective case. Such exercise, in this

summary proceedings, will not only be improper, but shall also result in deciding private civil rights in a proceeding under Article 226 of the Constitution of India.

8. In the present jurisdiction of this Court under Article 226 of the Constitution of Indian, this Court is not inclined to adjudicate upon the civil right of the parties. The petitioner shall be at liberty to approach the competent civil court for obtaining appropriate order in accordance with law.

9. With regard to the threat of criminal force and intimidation is concerned, the petitioner shall be at liberty to approach the local police station. In the event any such criminal act is committed against the petitioner, the local Police Station shall take immediate steps inquiring into the matter.

10. This court, however, clarifies that this court has not gone into the merits of the allegations made by the petitioner.

11. Accordingly, WPA 20274 of 2025 is disposed of without any order as to costs.

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

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

(Anuj Singh, J.)