

15.05.2024
Court No.14
Item No.36
Pk/AP

WPA 22620 of 2023

**Farida Bibi
Vs.
The State of West Bengal and Ors.**

Ms. Anindita Auddy (Das)
Mr. Subhayam Barik
... for the petitioner.

Mr. Amal Kumar Sen, Ld. AGP
Ms. Sahina Sumi
... for the State.

Mr. Satydeep Bhattacharyya
Mr. Subhankar Chakraborty
Mr. S. Bhattacharjee
Ms. R. Manna
... for the Respondent Nos.6 & 7.

Certified copy of the order dated 18th July, 2023 passed by the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24-Parganas in TS No.698 of 2023 as filed in Court, is taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is the owner of the property in question. She had entered into an agreement for sale for conveying a part of the property measuring 21 decimals of land in LR Dag No.85 Mouza Bishnupur, JL No.44, Police Station Rajarhat North 24-Parganas to the private respondents. However, the private respondents could not complete the deal by paying

rest of the consideration. In spite of this, the private respondents grabbed a portion of the petitioner's land and are presently undertaking illegal construction work there. This prompted the petitioner to approach the Civil Court. Learned Civil Court was pleased to pass an order of status quo on the subject property.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. After the agreement for sale was entered into, it was found that the petitioner was not having the entire property in her name. The private respondents insisted that she cured the defect. The proposed sale did not mature. Yet, the petitioner wrongfully retained the earnest sums of Rs.12 lakhs. In the meantime, the private respondents have purchased several other plots of land in the same area. Some are surrounding the petitioner's plot of land. After getting sanction plan, they started construction there. This writ petition is only means to force the private respondents to purchase the petitioner's property.

Learned counsel appearing for the State relies on the report and submits that the disputes is purely civil in nature. There is a civil suit pending in this regard. Report has been submitted in a proceedings under Section 141 of the Code. The police are keep close watch on the developments in the locality.

It appears that a civil dispute is pending between the private parties. If any of the parties wants to establish any further right in respect of the property, the same has to be done before the Civil Court.

The petitioner's contention is that the private respondents have grabbed part of her property and started construction there while it is contended on behalf of the private respondents that they are making construction according to sanctioned plan in the adjoining lands, which the private respondents had purchased.

Let the police keep sharp vigil at the locale and ensure that no breach of peace takes place. The police shall also ensure that no order of a Civil Court is violated. Surveillance shall include frequent visit by police patrol. The police authorities shall be at liberty to take the views of the concerned BL&LRO.

If the petitioner wants to seek posting of police picket in the area at her cost, she shall be at liberty to make a representation before the local police station, which shall be considered in accordance with the law.

No further order need be passed in this regard.

With the aforesaid direction, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

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

(Jay Sengupta, J.)