

D/L 29
02.04.2025
Bpg.
ct.no.35

W.P.A.6162 of 2025
Haradhan Mandal
Versus
The State of West Bengal & Ors.

Mr. Saptangshu Basu
Mr. Soumik Ganguli.
...for the petitioner.

Mr. Ansar Mandal
Mr. Tanweer J. Mandal.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner claims that he has been favoured with a decree in connection with Title Suit No.61 of 2018 by the learned Civil Judge (Junior Division), 1st Court, Khatra.

I have perused the order which says that the plaintiffs are co-sharers in the suit plot holding 8.25 decimals of undivided share therein.

Petitioner now claims that he intends to construct the boundary wall. Since the reference in the decree is with regard to undivided share, obviously petitioner cannot claim a particular part of the property to be his own until and unless the same is declared by the revenue authorities or the civil court concerned.

State has submitted a report prepared by the Officer-in-Charge, Indpur Police Station, Bankura wherein it is reflected that a long standing civil dispute has been existing between the petitioner and the private respondents. Several proceedings under Section 126 of the BNSS have been drawn up.

Since the petitioner is a co-sharer to the property, the police authorities if they are informed by the petitioner regarding his egress and ingress in respect of the undivided property concerned, police authorities would ensure that there is no untoward incident resulting after such information being received when the petitioner enters at the joint property, as already there is a strained relationship existing between the petitioner and respondent nos.4 and 5.

With the aforesaid observations, WPA 6162 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

Needless to state that since no affidavits have been called for, the allegations made in the writ petition are deemed not to have been admitted.

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

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

(Tirthankar Ghosh, J.)