

November 7, 2025

(5) ARDR

WPA 8755 of 2023

Smt. Ranu Sarkar

Vs.

The State of West Bengal & ors.

Adv. Rabindra Narayan Dutta,

Adv. Sibasis Ghosh,

Adv. Hare Krishna Halder,

Adv. Arkoday Mukherjee,

Adv. Soham Banerjee

...for the petitioner.

Adv. Manas Kumar Das,

...for the private respondents.

Adv. Ashim Kumar Ganguly,

Adv. Bellal Shaikh,

....for the State.

The report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner and the private respondents purchased plots of land from the same vendor. There is a common passage for egress and ingress of the parties in the said plot. The petitioner alleges that the common passage is being encroached upon by the private respondents, thereby obstructing her egress and ingress.

It appears from the report submitted by the State that the private respondents have encroached a little portion of the common passage mentioned in the title deeds of the parties but there is still enough passage for the petitioner to approach her residential plot.

This Court is informed that the private respondents have filed a partition suit being P.S. no. 559 of 2022 before the civil Court wherein the petitioner is a defendant. The

partition suit is still pending. However, no injunction has been granted in favour of the private respondents therein.

However, since the civil Court is in seisin of the issue, this Court does not wish to record any opinion with regard to the common passage recorded in the title deeds of the parties. The police authority is directed to keep strict vigil over the area so that there is no breach of peace and tranquility.

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

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)