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jdt. 14.11.2025
jb.

WPA 19790 of 2025

(Abdul Qadir vs. State of West Bengal & Ors.)

Ms. Mayuri Ghosh
Mr. Sourjya Das
Ms. Poulami Bhowmick
.... **For the Petitioner**
Mr. L. M. Mahata
Mr. P. B. Mahata
.... **For the State**

Heard learned counsels for the parties.

Perused the case diary.

The petitioner claims to be a bharatiya in respect of the premises in question and has been paying rents for the same till date. The petitioner alleges that the private respondents have ousted him from the premises by putting a lock therein. Though the belongings of the petitioner are lying in the premises, he is not able to access the same.

Learned counsel for the State submits that the complaint lodged by the petitioner in this regard has been registered as Jorasanko P. S. case no. 181 dated 7th September, 2025 under Sections 126(2)/3(5) of the BNS.

It is not in dispute that the petitioner has been in possession of the premises and was ousted. It is trite law that even a trespasser in respect of a premises cannot be evicted therefrom without due process of law. There is nothing on record to suggest that the petitioner was ousted pursuant to an eviction proceeding initiated against him.

In view of the above, this Court directs the Officer in Charge, Jorasanko Police Station, being the 4th respondent herein, to restore the possession of the petitioner in respect

of the premises in question within 17th November, 2025. The 4th respondent shall request the private respondents to open the lock put by them in the premises and in the event they refuse to do so, the 4th respondent shall break open the lock and restore the possession of the petitioner in the premises.

With the aforesaid directions and observations, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be 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 certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)