

18
jdt. 31.10.2025
jb.

WPA 23672 of 2025
[Shampa Das (Sen) vs. State of West Bengal & Ors.)

Mr. Gouranga Kr. Das
Ms. Poulami Dutta
.... For the Petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
.... For the State
Mr. Ayan Banerjee
Mr. Dhiman Banerjee
Ms. Debolina Ghosh
.... For the Respondent nos. 5, 6, 8 and 11

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

It is submitted on behalf of the private respondent that the respondent nos. 9 and 10 expired prior to filing of the writ petition. Since the petitioner is not inclined to substitute their heirs in their place, their names be expunged from the cause title of the writ petition. Cause title be amended accordingly.

A preliminary decree was granted in a suit being Title Suit no. 3 of 2006 on 21st March, 2017. An application for drawing up final decree is pending. The respondents do not appear to be parties to the suit. The petitioner seeks police protection to implement the preliminary decree for partition and also to restrain the respondents from disturbing his peaceful possession in respect of the property.

Learned counsel for the State submits that the police authority has drawn up proceeding under Section

126/135 of the BNSS and is maintaining strict vigil in order to avoid any untoward incident, breach of peace and tranquility.

In view of the above, this Court is inclined to hold that nothing further remains to be adjudicated in the writ petition and the same be accordingly disposed of.

The petitioner is at liberty to take necessary steps before the appropriate forum for drawing up a final decree for partition.

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.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)