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13.11.2025
Ct. No.26
b.das

WPA 24162 of 2025

Ahmed Ali
Vs.
The State of W. B. & Ors.

Mr. Saikat Roy Chowdhury
Mr. Nilanjan Adhikary
Mr. Aritra Ghosh
Ms. Oindrila Sinha ...for the petitioner.

Mr. Dipanjan Datta
Mr. Sayan Datta ...for the State.

Mr. Masud Karim
Ms. A. Mukherjee
Mr. Satyam Pandey ...for the private respondents.

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

Heard learned counsels for the parties.

The petitioner complains that though he has acquired title in respect of the property in question by virtue of purchase from the erstwhile owner, he is restrained from raising construction therein by the private respondents.

Learned counsels for the State and the private respondents submit that the private respondents are co sharers in respect of the property in question and a title suit is pending between the private respondents and other co sharers in respect of the same wherein the learned civil Court has granted an order of ad interim injunction in the

form of status quo to be maintained by both the parties in the suit in respect of the nature, character and possession of the property.

This Court is informed that an application under Order 1 Rule 10 of the Civil Procedure Code seeking to add the present petitioner as a party in the suit is pending.

The property on which the petitioner seeks to raise construction is subject matter of the civil suit. Since the petitioner has derived his title from one of the co sharers of the property and alleges that he is being restrained from raising construction therein by the private respondents, the petitioner is at liberty to approach the appropriate civil forum for redressal of his grievance. The dispute is essentially civil in nature. However, the police authority is directed to keep strict vigil in the area in order to avoid any untoward incident and ensure maintenance of peace and tranquility.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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.)