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12.11.2025
Ct. No.26
b.das

WPA 24092 of 2025

Ramapati Biswas & Anr.
Vs.
The State of W. B. & Ors.

Mr. M. Karim
Ms. A. Mukherjee
Md. A.R. Jaglul Kabir
Mr. S. Pandey ...for the petitioners.

Mr. Ranjan Saha
Mr. Samrat Paul ...for the State.

Mr. Asraf Mandal
Mr. Tanbir Mandal ...for respondent No.6.

Mr. Manas Kr. Das ...for respondent No.7.

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

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that in a partition suit filed by and between the parties, the learned Trial Court has directed the parties to maintain status quo in respect of the possession of the property. The learned Trial Court has further directed that neither party would cause any obstruction to the free egress and ingress of the other.

Learned counsel submits that despite such order, the petitioners have been ousted from the property with the aid and assistance of the police.

Learned counsel for the State denies and disputes the said allegation and submits that the police is acting in terms of the orders passed by the Court.

Learned counsel for the private respondents submits that the partition suit is still pending and both the parties being co sharers are residing in the joint undivided property.

I have considered the rival submissions of the parties. Though the petitioners claim to have been ousted from the property in question, the complaints lodged by them before the police authority do not contain such allegation. The petitioners and the private respondents are admittedly co sharers in respect of the property in question. In the event there is violation of the order of status quo granted by the learned Trial Court, the petitioners are at liberty to approach the said learned Court for redressal of their grievance.

This Court is informed that two criminal proceedings are pending against the petitioners. The petitioners have been released on bail in one of the proceedings.

No fruitful purpose shall be served by keeping the petition pending. The same is accordingly disposed of.

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.)