

December 3, 2025
(25) ARDR

WPA 23888 of 2025

Mrs. Sarada Nair
Vs.
The State of West Bengal & ors.

Adv. Iftekar Munshi,
Adv. Sourav Guchhait
...for the petitioner.
Adv. Pradip Kumar Mondal,
Adv. Arka Mondal,
...for the respondent no. 6.
Adv. Santanu Kr. Mitra,
....for the State.

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

None appears for the State despite service.

Mr. Santanu Kumar Mitra, advocate, who usually
appears for the State and is present in Court today, is
requested to represent the State in this matter.

His appointment be regularised by the office of the
learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ
petition along with annexure thereto upon Mr. Mitra,
advocate in course of this day.

The petitioner alleges that the private respondent
no.6 who has no right, title, interest or possession in
respect of the property in question has been disturbing his
peaceful possession in the said property owned by him.
Complaints lodged by the petitioner before the police
authority have not been taken care of.

Learned counsel for the respondent no.6 submits that the private respondents are co-sharers of the property in question.

Learned counsel for the State submits that upon holding local enquiry the police has submitted prosecution under Section 126 of the BNSS.

In the event there is a dispute with regard to title of the property between the parties, the parties are at liberty to thrash out the same before the appropriate forum. Since the petitioner alleges that the complaint lodged by her has not been taken care of, the petitioner is at liberty to approach the appropriate forum for redressal of her grievance under Section 175 of the BNSS.

In the meantime, the police authority shall keep strict vigil over the area in order to avoid any untoward incident and ensure maintenance of peace and tranquility.

With the aforesaid 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.)