

11.11.2025
rc/ct.no.26
Item No.18

WPA No. 23937 of 2025
Ranjana Mukherjee & Ors.
Versus
The State of West Bengal & Ors.

Mr. Ayan Banerjee
Mr. Dhiman Banerjee ..for the Petitioner

Mr. Saibal Acharyya
Mr. Sankar Halder ... for the State

Mr. Probal Kumar Mukherjee
Ms. Shebatee Datta
... for the Private Respondents

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

It is not in dispute that the petitioners are the co-sharers in respect of the property in question. The petitioners allege that the private respondents have put a lock to the doors of the two rooms occupied by them, thereby obstructing their ingress and egress. The belongings of the petitioners and study material of the 2nd petitioner who is a student are lying in the said rooms and they are unable to access the same.

Denying the allegations made by the petitioners, learned counsel for the private respondents submits that though the petitioners are co-sharers in respect of the property they were not living therein at any point of time. The rooms in question were occupied by the father in law of the 1st petitioner. After his demise the petitioners are

trying to establish their rights in respect of the property by taking possession of the room.

It appears from the report submitted by the State that pursuant to a complaint lodged by the petitioners investigation was held and it was found that additional locks have been put in the rooms in question besides the lock put by the petitioners.

The petitioners claim that the initial lock was put by them and the additional locks have been put by the private respondents in order to restrain them from entering the rooms.

A partition suit is pending between the parties.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioners claim to be in possession of the rooms in question and to have put a single lock thereto, in the event the petitioners are able to open the said lock with the key in their possession, the police authority shall take necessary steps for removal of the additional locks in the said rooms in order to provide access to the petitioners therein.

Since the partition suit is pending, this order shall not create any right, title or interest upon either of the parties in respect of the property in question. The same shall be decided by the civil forum.

The writ petition is, thus, 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)