

December 12, 2025
(28) ARDR

WPA 24011 of 2025

Himadri Manna & anr.
Vs.
The State of West Bengal & ors.

Adv. Arkadyuti Parari,
Adv. Gargi Maiti,
Adv. Alik Mandi,
... for the petitioners.
Adv. Amit Baran Dash,
Adv. Ankana Sarkar,
...for the respondent nos. 4 & 5.
Adv. Anubrata Santra,
Adv. Sanjib Das,
...for the State.

Inadvertent error has crept into the order passed on
December 5, 2025.

In the cause title of the said order Advocate Anubrata
Sarkar be read as Advocate Anubrata Santra.

The department is directed to incorporate necessary
correction in the said order accordingly.

This order be treated as part of the order passed on
December 5, 2025.

Report submitted by the State is taken on record.

Learned counsel for the petitioners submits that
taking advantage of complete blindness of the 1st petitioner
and illiteracy of the 2nd petitioner who is his wife, the
private respondents who are son and daughter in law of the
petitioners have caused a deed of gift to be executed in
respect of the house belonging to the petitioners by forging
their signature/LTI in the said deed. The petitioners have
approached the appropriate forum seeking cancellation of
the deed. The petitioners allege that the private

respondents are trying to dispossess them from the house in question on the basis of the said deed which is under challenge, by exercising muscle power. The complaint lodged by the petitioners in this regard has not been taken care of.

Learned counsel for the private respondents submits that the private respondents were driven out of the house by the petitioners in 2020 and have been residing elsewhere since then. They have never returned to the house. Learned counsel points out that though the disputed deed bears the LTI of the 1st petitioner, the complaint lodged by the said petitioner has been signed by him.

In reply, learned counsel for the petitioner submits that since the 1st petitioner is blind since birth, he is able to sign his name by practising the same for a long time.

Learned counsel for the State submits that direction given by this Court vide order dated 11th November, 2025 is being complied with by the police authority.

Since the petitioners are aggrieved by the fact that the police has not registered their complaint as FIR, they are at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS for redressal of their grievance.

In the meantime, the police authority shall continue their surveillance in the area and ensure that no untoward incident takes place and the petitioners are not evicted from their residential house without due process of law.

The police authority shall render assistance/protection to the petitioners as and when required.

With the aforesaid directions 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.)