

December 17, 2025
(23) ARDR

WPA 24702 of 2025

Sentu Biswas & ors.
Vs.
The State of West Bengal & ors.

Adv. Lal Ratan Mondal,
Adv. Indrani Mukherjee,
... for the petitioners.
Adv. Partha Pratim Roy,
Adv. Poulami Chakraborty,
...for respondent no. 13.
Adv. Ansar Mondal,
Adv. Asish Dutta,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

Learned counsel for the petitioners submits that the petitioners purchased the property in question upon payment of due consideration amount. The private respondent is disturbing their peaceful possession in the property for which they lodged a complaint before the police authority which has not been acted upon.

Learned counsel for the private respondent submits that a partition suit is pending between the private respondent and the vendors of the petitioners and the purchase has been done during pendency of the suit. Share of the private respondent in the property in question has been declared by the learned trial Court by a preliminary decree.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since a partition suit between the petitioners' vendors and the private respondent is pending and the petitioners have

stepped into the shoes of the vendors during pendency of the suit, they are at liberty to ventilate their grievance before the learned trial Court. In the event the complaint lodged by the petitioners is not registered as FIR, the petitioners shall take necessary steps before the learned jurisdictional Magistrate under Section 175 of the BNSS.

In the meantime, the police authority shall maintain strict vigil in the area in order to maintain peace and tranquility.

The writ petition is accordingly 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.)