

14. 10.12.2025
jb.

WPA 26177 of 2025
(Ashis Bhangsi vs. State of West Bengal & Ors.)

Mr. Mukteswar Maiti
Ms. Manika Sarkar
... For the Petitioner

Ansar Mandal
Tanweer J. Mandal
... For the State

Mr. Kushal Chatterjee
Mr. Sibashis Choudhury
... For the Respondent no. 6

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

The petitioner and the private respondents are admittedly co-sharers in respect of the property in question. The petitioner has alleged that the private respondents are blocking his egress and ingress and disturbing his peaceful possession therein. A civil suit is pending between the parties. Learned civil Court has directed both the parties to maintain status quo in respect of the nature, character and possession of the property till disposal of the suit.

Learned counsel for the petitioner submits despite such order the private respondents are continuing to obstruct the egress and ingress of the petitioner and disturbing his peaceful possession in the property. A miscellaneous case under Section 163 of the BNSS was filed by the petitioner wherein learned Executive Magistrate, by an order passed on 23rd September, 2025 directed the Officer in Charge, Margram police station to compel both the parties to comply with the order passed

in title suit by the learned civil Court. The petitioner lodged complaint before the police authority on 31st October, 2025 against the private respondents which, according to the petitioner, has not been acted upon.

Learned counsel for the private respondents denies and disputes the allegations made by the petitioner and submits that it is the petitioner who is obstructing his own egress and ingress by constructing different stalls in the passage.

Learned counsel for the State submits that since the petitioner is armed with an order of injunction, he should approach the learned trial Court for redressal of his grievance.

Indeed, the petitioner is at liberty to approach the learned trial Court for redressal of his grievance in the event of alleged violation of the order passed by the civil Court. Since it is alleged that the complaint lodged by the petitioner on 31st October, 2025 with the police authority has not been taken care of, the petitioner is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS. In the meantime, the police authority shall keep strict vigil over the area in view of strained relationship between the parties and shall ensure that no untoward incident takes place and peace and tranquility is maintained. The writ petition is accordingly disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)