

WPA 1716 of 2026

Ramesh Jana
Vs.
The State of W. B. & Ors.

Mr. Bikram Banerjee
Mr. Sutirtha Nayek ...for the petitioner.

Mr. Ansar Mandal
Mr. Swpan Kr. Pal ...for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the 5th respondent is the wife of the petitioner and the house in question is jointly owned by the petitioner and his wife. The petitioner's wife has been residing in the said house with the other private respondents and the petitioner has been driven out therefrom. He runs a shop in the house which is also closed.

The petitioner seeks police protection to enter the house and continue his business in the shop room in the ground floor of the house.

It appears that a partition suit has been filed by the petitioner wherein the learned Trial Court has directed the parties to maintain status quo with regard to the nature,

character and possession of the property and has restrained them from alienating the property. It prima facie appears that the petitioner and the 5th respondent are joint owners of the house in question. Trade registration certificate produced by the petitioner indicates that the petitioner runs a business in the shop room in the said property.

Since the petitioner intends to enter the property, reside therein and carry on business in the shop room, the police authority shall render necessary assistance to him so that he is able to enter the property and carry on his business therein.

The petitioner shall approach the police authority and indicate the intended date and time of his return to the property.

The police authority shall render necessary assistance to him so that he is able to enter the property and reside therein peacefully and continue his business in the shop room situated in the property.

Since the property is jointly owned by the petitioner and the 5th respondent, it is expected that the parties shall reside in the said house peacefully and not disturb the peaceful possession of each other in any manner whatsoever.

The writ petition is disposed of accordingly.

However, there shall 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.)