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17.04.2026
Ct. No. 05
adeb

WPA 7209 of 2026

Bhabani Sankar Maity
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Ch. Manna
Ms. Munmun Sitt
Ms. Moumita Biswas
...for the petitioner
Mr. Vivekananda Bose
Mr. Kushal Das
...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. However, private respondents are not represented.
3. Matter is heard in presence of the learned advocates representing the petitioner and State respondents.
4. It is submitted on behalf of petitioner that illegally respondent no. 11 sold out property in question in favour of respondent nos. 7 to 10 as a result whereof petitioner is compelled to approach this Court with the present writ petition. A complaint was lodged before the concerned police authority dated 19th February, 2026 alleging illegal acts and actions of respondent no. 11 as well as respondent nos. 7 to 10. Petitioner prays for direction upon the concerned police authorities which would

ensure petitioner's right over the property in question.

5. Learned advocate representing the State respondents has filed a communication dated 13th April, 2026 of Inspector-in-Charge, Contai Police Station, Purba Medinipur and same is taken on record. Copy of the said communication is made over to the learned advocate representing the petitioner.
6. It is submitted that based on the complaint lodged by the petitioner one prosecution under Section 126 of BNSS 2023 being Contai PS NCR No. 733/26 dated 10th April, 2026 was submitted. However, it is submitted on behalf of State respondents that the issue involved in this writ petition is civil in nature.
7. Petitioner instituted a proceeding before the learned Civil Judge (Jr. Division) 1st Court Contai, Purba Medinipur in 2017 and same was dismissed for default. In this regard notice of this Court has been drawn to the statements made by the petitioner in paragraph 13 of the writ petition. It is also contended that sale at the instance of respondent no. 11 took place prior to 2017.
8. It is found from the submissions made on behalf of the parties and taking note of the statements made in paragraph 13 of the writ petition that a

proceeding was initiated before the Civil Court in 2017 which was dismissed for default. Therefore, no relief can be granted to the petitioner.

9. Furthermore, alleged sale of property by the respondent no. 11 in favour of respondent nos. 7 to 10 took place prior to 2017. Therefore, it is too late in the day to approach this Court by filing a writ petition on 23rd March, 2026 alleging sale is illegal.

10. Hence, writ petition stands dismissed.

11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)