Court No. 34
(266294)

08.10.2026
(AD 69)

(S. Banerjee)

WPA 8846 of 2026

Suvajit Bhattacharjee & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sujoy Banerjee
Mr. D. Chakraborty
Mr. B. K. Sanpui

...for the petitioners

Mr. Joydipta Mondal
Ms. Ankana Sarkar

...for the State

1. The instant writ petition has been filed by the petitioners against the respondent authorities for a direction to restrain the private-respondent no. 5 herein and their men and agents from disturbing the petitioners to enter into their residence without any obstruction and to leave peacefully.

2. It is the case of the petitioners that the present petitioner no. 1 is the owner of a self-contained residential flat in the ground floor of the three-storied building lying and situated at premises no. 1364, Mahendra Banerjee Road, Behala by virtue of a registered deed of gift dated November 13, 2025. Petitioner no. 2 is the owner of a self-contained residential flat in the ground floor of a residential flat in the ground floor of the three-storied building in the same address which was

obtained by virtue of a registered deed of gift dated November 13, 2025. Both the flats are adjacent to each other having separate entrance. It is the further case of the petitioners that the father of the petitioners, Late Shyamal Bhattacharjee, was the occupier and possessor of the said flat and there was matrimonial dispute between the parents of the petitioners in the year 2024 as a result, a complaint was lodged by the mother against her husband on September 15, 2024. Accordingly, a criminal case was initiated. Subsequently the said father died on February 5, 2026. After demise of their father the petitioners came to know that the private-respondent no. 5, claiming to be the wife of their deceased father, is in possession of the said flat. It is the case of the petitioners that only their father was residing in the said flat and they obtained the ownership of the said flat by virtue of registered gift deeds and this lady has no right, title and interest in the said flat. Over this dispute the mother of the petitioners lodged a General Diary on March 19, 2026 with the concerned police station against the private-respondent but no action was taken by the police authority and accordingly a complaint was lodged by the petitioners on March 24, 2026 with a request to take necessary steps. This writ petition

has been filed since no action has been taken in respect of the said complaint.

3. After having heard the submissions advanced by the learned advocates appearing for the respective parties it appears that the entire dispute is purely civil in nature and the proper remedy lies in filing a civil suit.

4. Be that as it may, a written complaint has been lodged with the concerned police station and the fate of the written complaint is not being intimated to the present petitioners.

5. Accordingly, the respondent no. 4 is directed to deal with the complaint in accordance with law at the earliest and to inform the same to the complainant.

6. With the above observations and directions this writ petition stands disposed of.

(Chaitali Chatterjee (Das), J.)