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jdt. 13.01.2026
jb.

WPA 13102 of 2025
(Rajiv Kumar Sharma vs. State of West Bengal & Ors.)

Mr. Prabhat Kr. Singh
.... For the Petitioner
Ms. Sipra Mazumder
Ms. Prativa Ghatak
.... For the State
Mr. Rishav Kr. Singh
Mr. Soumalya Dutta
.... For the Respondent nos. 3-7

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

The petitioner alleges that though he is the owner of the flat in question and resides therein with his septuagenarian mother, the private respondents are disturbing their peaceful possession therein and threatening them with dire consequences. The petitioner lodged complaint under Section 163 of the BNSS wherein the learned Executive Magistrate has directed maintenance of peace and tranquility. Complaint lodged by the petitioner before the police authority has not been acted upon.

Learned counsel for the private respondents submits that the petitioner is aggrieved by keeping of their pots (gamla) on the terrace of the building. The pots have already been removed.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioner,

enquiry was held and prosecution submitted under Section 126 of the BNSS.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since there is a strained relationship between the parties who are the residents of the same building, the police shall keep strict vigil in the area in order to avoid any untoward incident and shall ensure maintenance of peace and tranquility therein.

It is expected that both the parties shall allow each other to reside in their respective flats peacefully and shall not disturb the peaceful possession of each other in any manner whatsoever.

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.)