

WPA 24610 of 2025

Rajib Kumar Saha & Anr.
Vs.
I/C Basanti Police Station & Ors.

Mr. Sudipta Sarkar
Ms. Tithi Mandal ...for the petitioners.

Mr. Tapan Kr. Mukherjee
Ms. Tuli Sinha ...for the State.

Mr. Gobinda Chandra Baidya
Mr. Gobinda Baidya ...for respondent nos.5 & 6.

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

Heard learned counsels for the parties.

The father of the 1st petitioner and the private respondents expired on 11th February, 2025. The three siblings have admittedly inherited the property of the deceased father.

The petitioners allege that after demise of the father of the 1st petitioner, the private respondents who are his married sisters and are residing elsewhere have forcibly taken possession of the residential house of the father by ousting the petitioners therefrom. The petitioners seek restoration of their possession in the said house.

Learned counsel for the private respondents submits that the 1st petitioner and the private respondents being the heirs of the original owner are co sharers in respect of

the property in question. The private respondents claim to have been residing in the said property all throughout.

Learned counsel submits that they have no objection if the petitioners also reside in the said property along with the private respondents as co sharers therein.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the property in question is a joint undivided property inherited by both the 1st petitioner as well as the private respondents, the 1st petitioner is at liberty to take necessary steps for demarcation of the same before the appropriate civil forum.

In the meantime, as the private respondents have no objection if the petitioners reside in the same property with them as co sharers they are directed to allow the petitioners to enter the property and reside therein jointly with them until their respective shares are demarcated.

In the meantime, the police authority shall keep strict vigil over the area in order to avoid any untoward incident and shall render necessary assistance to the petitioners as and when sought.

It is expected that the parties shall reside in the premises amicably and peacefully and not disturb the peaceful possession of each other therein.

The writ petition is accordingly disposed of.

There shall, however, 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.)