

03
09.01.2026
Ct. No.5
b.das

WPA 24917 of 2025

Rajab Ali Mandal & Ors.
Vs.
The State of W. B. & Ors.

Mr. Sarbananda Sanyal
Mr. Hamidur Rahman
Mr. Saikat Gayen ...for the petitioners.

Mr. Dipankar Das Gupta
Ms. Susnita Saha ...for the State.

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

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that the land in question was sold out to the private respondent for which the petitioners filed a pre-emption case before the learned civil Court which is pending.

The private respondents have filed a partition suit against the petitioners and the other co sharers which is also pending. In the pre emption case, the learned Trial Court has granted an order of ad interim injunction restraining the private respondents from changing the nature, character and possession of the property in question and from transferring the same or raising any construction therein.

The petitioners allege that they are obstructed by the private respondents in connivance with the police from entering the property and harvesting the same.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioners, enquiry was held and prosecution submitted under Section 126/135 of the BNSS. The police has been keeping strict vigil in the area and assures protection of the life and property of the petitioners.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since an order of ad interim injunction has been granted by the learned Trial Court, the petitioners are at liberty to approach the said learned Trial Court in the event of violation of the said order and also for implementation of the same.

In the meantime, the police shall continue their surveillance in the area in order to avoid any untoward incident and shall ensure maintenance of peace and tranquility. The police shall render necessary assistance to the petitioners as and when sought.

The writ petition is disposed of accordingly.

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.)