

WPA 25351 of 2025

Smt. Kajal Chowhan
Vs.
The State of W. B. & Ors.

Mr. Amitabha Ghosh ...for the petitioner.

Ms. Munmun Tewary
Mr. Subhadeep Maitra ...for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is the absolute owner of the property in question and a title suit filed by him against the private respondent has been decreed in his favour declaring his absolute right, title, interest and possession in respect of the property.

The private respondent (defendant in the suit) has been permanently restrained from disturbing the peaceful possession and enjoyment of the petitioner in the property.

The petitioner alleges that despite such decree, the private respondent is continuing to disturb his peaceful possession therein and is also threatening him with dire consequences. Complaint lodged by the petitioner before the police authority has not been acted upon.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioner, enquiry has been held and prosecution submitted under Section 126 of the BNSS.

Be that as it may, since a competent civil Court has declared the absolute right, title, interest and possession of the petitioner in respect of the property and the private respondent has chosen not to assail the said decree before the appropriate forum, the police authority is directed to implement the said decree forthwith in its true letter and spirit. The police shall render necessary assistance to the petitioner as and when sought in terms of the decree.

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.)