

07.01.2026
rc/ct.no.05
Item No.67

WPA No. 25363 of 2025
Golam Mosafa Mandal
Versus
The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanyal
Mr. Arunesh Pathak ..for the Petitioner

Mr. Tapas Kumar Royfor the State

Mr. Avishek Prasad
Mr. Sourodeep Singha
...for the respondent nos. 5,6&7

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

Learned counsel for the petitioner submits that there is a dispute between the petitioner and the private respondents in respect of the property in question, both the parties claiming the title over the same. A civil suit filed by the private respondents is pending. The petitioner alleges that the private respondents tried to raise a boundary wall in the property and take possession thereof. On being protested by the petitioner, they assaulted him. The petitioner lodged a complaint before the police authority on September 30, 2025 which has not been considered.

It appears from the report submitted by the State as well as copy of order of the learned trial Court that in the title suit filed by the private respondents, the

petitioner and the other defendant therein have been restrained from forcibly dispossessing the private respondents from the property or changing the nature and character of the same. Pursuant to the complaint lodged by the petitioner, enquiry was conducted and prosecution submitted under Section 170/126 of the BNSS.

Since the dispute between the parties appears to be civil in nature and a civil suit is already pending, the petitioner is at liberty to ventilate his grievance before the learned trial Court.

Nothing further remains to be dealt with in the present application. The same 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)