

WPA 25218 of 2025

Prasanta Gope & Ors.
Vs.
The State of W. B. & Ors.

Mr. Falguni bandyopadhyay
Ms. Riya Ballav
Mr. Aindrik Chatterjee ...for the petitioners.

Mr. Suman Sengupta
Mr. Sambuddha Dutta ...for the State.

Mr. P. B. Mahata
Mr. Amit Bikram Mahata
...for respondent nos.5 to 11.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that the petitioners and private respondent nos.8 to 11 are co sharers in respect of the property in question and a preliminary decree has been granted in a partition suit filed by the petitioners in respect thereof.

The preliminary decree has been assailed by the other co sharers including private respondent nos.8 to 11 before an Hon'ble Division Bench of this Court. The appeal is pending.

The petitioners allege that despite pendency of the appeal, the private respondent nos. 8 to 11, in connivance with the police authority, are raising a boundary wall in the

property. The petitioners seek police assistance to resist the private respondents from doing so.

This Court is informed of a subsequent development wherein by an order passed on 21st November, 2025 in the pending appeal being FA 378 of 1997, the Hon'ble Division Bench has directed the parties to maintain status quo in respect of the right, title and possession of the property in question.

In view of the order passed by the Hon'ble Division Bench protecting the right, title and possession of both the parties/co sharers in respect of the property in question, no further order is required to be passed in the present application.

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.)