

19.01.2026
rc/ct.no.05
Item No.58

WPA No. 25425 of 2025
Chandana Mondal
Versus
The State of West Bengal & Ors.

Mr. Arup Kundu ..for the Petitioner

Mr. Tanmay Kumar Ghosh
Mr. Sabyasachi Mondalfor the State

Mr. Saptangsu Basu
Ms. Sutapa Sanyal ..for the private respondent

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

The petitioner alleges that the private respondent is excavating stone from his portion of the land despite an order of status quo with regard to the nature, character and possession of the property upon the parties issued by the learned trial Court in a suit for partition filed by one of the co-sharers.

The petitioner filed an application under Section 163 of the BNSS wherein the concerned Revenue Inspector submitted a report which demonstrates that the private respondent has been carrying on excavation in a portion of the land in terms of the permission granted to him by the appropriate authority. The complaint lodged by the petitioner before the police authority in this regard is silent with regard to his title and possession in respect of the portion of the land

where the excavation is going on. It is not in dispute that the land is an undivided property owned by both the petitioner and the private respondent as well as other co-sharers.

In view of the nature of dispute between the parties, the petitioner is at liberty to approach the appropriate forum for redressal of his grievance.

In the meantime, the police authority shall continue to keep strict vigil in the area in order to avoid any untoward incident and to ensure maintenance of peace and tranquility.

The writ petition is 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)