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jdt. 09.01.2026
jb.

WPA 25195 of 2025
(Safikul Fakir vs. State of West Bengal & Ors.)

Mr. Sarbananda Sanyal
Hamidur Rahaman
Mr. Saikat Gayen
Mr. Diganta Ghosh
.... For the Petitioner

Mr. Biplab Guha
Mr. Sanyasachi Mukherjee
.... For the State

Mr. Partha Pratim Roy
Ms. Poulami Chakraborty
.... For the Respondent nos. 4-7

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

Learned counsel for the petitioner submits that respondent no. 5 who is a rank outsider to the property in question has transferred the same in favour of the respondent nos. 6 and 7 who have forthwith started raising construction therein. The petitioner filed a civil suit against the respondents wherein the learned trial Court granted an order of ad interim injunction directing the private respondents not to act upon the impugned deed of heba dated 15th February, 2011. The said order has been made absolute subsequently. Application seeking implementation of the order has also been allowed by the learned trial Court. The petitioner alleges that despite the said order the private respondents are continuing to raise construction in the property in question and disturbing the peaceful possession of the petitioner therein.

Learned counsel for the private respondents submits that the private respondents are co-sharers in respect of the

property and the dispute between the parties is with regard to raising of boundary wall in the property.

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 126/135(3) of the BNSS. The police has been maintaining strict vigil in order to avoid any untoward incident.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the private respondents claim to be the co-sharers in respect of the property in question, the petitioner is at liberty to ventilate his grievances before the appropriate civil forum.

In view of the order of injunction granted by the learned trial Court, the police authority is directed to take necessary steps for implementation of the said order in its true letter and spirit.

The police authority shall also continue surveillance in the area in order to avoid any untoward incident to ensure maintenance of peace and tranquility.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)