

February 4, 2026
(11) ARDR

WPA 25515 of 2025

Rashbihari Mahato
Vs.
The State of West Bengal & ors.

Adv. Chittapriya Ghosh,
Adv. Kuntal Ray,
Adv. Priyanka Saha,
... for the petitioner.
Adv. Vijay Agarwal,
Adv. Soumyajit Ghosh,
...for the State.

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

None appears for the private respondents despite service.

The private respondents filed a Title Suit against the petitioner and others being T.S. no. 167 of 2006 claiming right, title and interest in respect of the property in question which was dismissed by the learned trial Court by a judgment delivered on 18th December, 2017. The judgment was carried in appeal by the private respondents and by a judgment delivered on 16th September, 2023 in Title Appeal no. 18 of 2018, the learned appellate Court dismissed the appeal, affirming the judgment of the learned trial Court.

Learned counsel for the petitioner submits that despite having lost before both the Courts, the private respondents are continuously disturbing the peaceful possession of the petitioner in respect of the property.

Complaint lodged by the petitioner in this regard has not been taken care of.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioner enquiry was held and prosecution submitted under Section 351(2) of the BNSS. Since the right, title and interest of the private respondents have been denied by the learned trial Court and the petitioner appears to be the owner and occupier of the property in question, the police authority shall keep strict vigil in the area and ensure maintenance of peace and tranquility. The police shall render necessary assistance/protection to the petitioner so that he is able to own and possess the property without any disturbance from any corner whatsoever.

With the above direction, 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 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.)