

February 25, 2026

(11) ARDR

WPA 25547 of 2025

Subhankar Shai

Vs.

The State of West Bengal & ors.

Adv. Chirantan Sarkar,
Adv. Sultan A Mondal
Adv. Subhrajyoti Datta,

...for the petitioner.

Adv. K. J. Yusuf,
Adv. Parikshit Goswami,

...for the State.

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

None appears for the private respondent despite service.

Learned counsel for the petitioner submits that the petitioner and others filed a Title Suit against the private respondent and others before the learned civil Court which was decreed in his favour. The civil Court has declared the right, title and interest of the petitioner and the coowners in respect of the property in question. The petitioner alleges that despite such decree, the private respondent has encroached upon the property and is raising unauthorised construction therein. The petitioner approached the municipal authorities as well as the police but no step has been taken.

It appears from the report submitted by the State that pursuant to the complaint lodged by the petitioner,

enquiry has been held and prosecution has been submitted under Section 126 of the BNSS.

In the event the petitioner alleges unauthorised construction by the private respondent, he is at liberty to approach the appropriate forum for redressal of his grievance.

In the meantime, the police authority shall keep strict vigil in the area in order to avoid any untoward incident and shall maintain peace and tranquility. The police authority shall render necessary assistance to the petitioner as and when sought.

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.)