

February 25, 2026
(8) ARDR

WPA 25532 of 2025

Habib Middyay
Vs.
The State of West Bengal & ors.

Adv. Tauhid Khan,
Adv. Atanu Halder,
Adv. Rula Laila Khatun,
...for the petitioner.

Adv. Pradip Kumar Mondal,
Adv. Gourav Banerjee,
...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 respondents despite service.

The petitioner alleges that the private respondents have trespassed into the property of the petitioner, stolen articles therefrom and damaged the property.

It appears from the report submitted by the State that a suit for declaration and partition of the property in question is pending before the civil Court and an order of status quo upon both the parties in respect of the property is in force. Both the parties have rival claims over the property. Pursuant to the complaint lodged by the petitioner, enquiry has been held and prosecution has been submitted under Section 126 of the BNSS.

Upon consideration of the material on record, this Court is of the view that the dispute between the parties is civil in nature. Civil suit is also pending. In the event petitioner alleges violation of the order of status quo

granted by the learned trial Court, the petitioner is at liberty to approach the learned trial Court for redressal of his grievance.

In the meantime, the police authority shall continue surveillance in the area and shall 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 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.)