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jdt. 22.01.2026
jb.

WPA 29713 of 2025
(Smt. Aditi Roy vs. Barrackpore Police Commissinerate & Ors.)

Ms. Shahina Haque
Ms. Ayesha Hussain
.... For the Petitioner
Mr. Vivekananda Bose
Ms. Mousumi Banerjee
.... For the State
Mr. Santanu Talukder
Mr. Indranil Roy Chowdhury
Ms. Moumita Pandit
Ms. Ritushree Banerjee
Ms. Ilora Pandit
.... For the Respondent nos. 2 to 12

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

The petitioner alleges that the petitioner is a resident of Block 5, Rapti Building, Saket Nagar, Phase I, 27 B.T. Road, Kolkata-700108 and owns and occupies two flats therein, one in the fourth floor and the other in the first floor. The petitioner alleges that the private respondents have been using the passage between Block 5 and Block 6 for playing badminton by making a badminton court therein. The game continues throughout the year till late in the night and the private respondents cause immense disturbance to the petitioner by shouting, using abusive language and creating nuisance. Several complaints lodged by the petitioner before the police authority as well as the association fell on deaf ears. The petitioner seeks a direction upon the private respondents restraining them from using the passage for playing badminton or any other game.

Opposing the said prayer, learned counsel for the private respondents submits that the passage is used by the children of the society to play badminton since there is no

alternative place for the same. Such decision was circulated among all the residents of the society and no objection was raised by any one.

It appears from the report submitted by the State that there are allegations and counter allegations by and between the parties and the primary issue is with regard to playing badminton in the passage in question. The police is keeping sharp vigil in the area and notices were served upon both the parties to maintain peace and tranquility.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner is aggrieved by the game of badminton being played by blocking the passage between block 5 and block 6, she is at liberty to approach the appropriate forum for redressal of her grievance. The petitioner is also aggrieved by the fact that her complaint lodged before the police authority has not been acted upon. She is at liberty to approach the jurisdictional Magistrate under Section 175 of the BNSS in this regard.

In the meantime, the police authority is directed to continue their surveillance in the area in order to avoid any untoward incident in view of the strained relationship between the parties and shall ensure maintenance of peace and tranquility. The police shall render necessary assistance/protection to the petitioner as and when sought and shall also ensure that badminton, if played, in the passage in question shall not disturb the peaceful possession of the petitioner or for that matter, any resident of the society.

The writ petition is accordingly 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.)