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jdt. 04.02.2026
jb.

WPA 28949 of 2023
(Sourav Ghosh vs. State of West Bengal & Ors.)

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Sub hayu Das
Mr. Mridul Biswas
Ms. Debirani Mondal

.... For the Petitioner

Mr. Suman Ghosh

.... For the State

Ms. Sonal Sinha
Ms. Manisha Nath

.... For the Respondent no. 5

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.

The petitioner filed a title suit being T.S. no. 1862 of 2023 against the private respondent in respect of the shop room in question wherein by the order passed on 29th November, 2023, the learned trial Court restrained the private respondent from disturbing the peaceful possession of the petitioner in the property. The petitioner alleges that despite such order the private respondent is continuing to disturb his peaceful possession in the property and is obstructing him from running his business therein. The petitioner lodged complaint before the police authority in this regard which has not been considered.

Learned counsel for the State submits that pursuant to the complaint lodged by the petitioner enquiry was held and no cognizable offence was found to have been made out.

The report indicates that the shop room in question is owned by the private respondent and a notice under Section 401 of the KMC Act has been issued upon him alleging unauthorised construction of the shop room in place of a covered parking space.

In view of the fact that the learned trial Court is in seisin of the issue with regard to the dispute between the petitioner and the private respondent, the petitioner shall be at liberty to ventilate his grievance before the learned trial Court.

In the meantime, the police shall keep strict vigil in the area and shall ensure maintenance of peace and tranquility. The police shall render necessary assistance to the petitioner as and when sought.

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.)