

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P.A. NO 19809 OF 2026

Dhakuria Babubagan Cultural Association & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Wrickbrata Roy,
Mr. Iswar Das,
Mr. Shwashwitwik Chatterjee
Mr. Nistar Molla,

....for the petitioners.

Mr. Srijib Chakraborty,
Mr. W. A. Dafader

....for the respondent nos.7 to 10, 12 & 13.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Mr. Partha Sarathi Basu

....for the State.

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. By presenting this writ petition prayer is made by petitioner no.2 claiming to be Secretary of petitioner no.1 Society, *inter alia*, issuance of mandamus directing concerned police authorities to take steps taking note of order passed by civil court in Title Suit being No.834/26 pending before learned Civil Judge, (Senior Division), 9th Court, Alipore, South 24 Parganas.
3. It is argued by Mr. Bhattacharya, learned counsel representing petitioners that vide ex parte ad interim order of injunction dated 19th June, 2026 defendants,

their men, agent, association and supporters were temporarily restrained from causing obstruction, intimidation, disturbance, unlawful assembly, breach of peace or interference with peaceful functioning, administration and day to day activities of the plaintiffs' committee and association in connection with conduct of Durga Puja and other allied activities at the said premises.

4. Alleging violation of that ad interim order of injunction dated 19th June, 2026 civil court was moved and concerned police authorities were directed to carry out order passed in the suit.
5. Reliance is also placed on order dated 22nd July, 2026 passed by civil court whereby concerned police authority was directed to carry out aforesaid order dated 19th June, 2026 and submit report on the next date.
6. Sum and substance of submission made on behalf of petitioners is taking note of aforesaid orders passed by civil court, police authorities may be directed to take steps for implementation of order initially passed on 19th June, 2026.
7. Mr. Chakraborty, learned advocate representing respondent nos. 7 to 10, 12 & 13 takes preliminary objection regarding maintainability of this writ petition since while filing writ petition Section 19 of West Bengal Society Registration Act, 1961 was not complied with and petitioner no. 2 has approached this

Court in his individual capacity not as Secretary of petitioner no.1 Society.

8. Though it is not properly described in the cause title of writ petition regarding status of petitioner no.2 in connection with registered Society being petitioner no.1 but in paragraph no.1 of writ petition it has been described that petitioner no.2 is the Secretary of petitioner no.1 Society.
9. Moreover, prayer is made for implementation of order passed by civil court dated 19th June, 2026 in Title Suit No.834/26 wherein petitioner no.2 is one of the plaintiffs representing petitioner no.1 Society.
10. In view of aforesaid position, Court decides to consider writ petition on merit without keeping window shut at the threshold based on preliminary point urged on behalf of respondent nos.7 to 10, 12 & 13.
11. State respondents are represented by Mr. Das, learned Additional Government Pleader who has submitted that a collusive suit was presented before civil court based on which an order is passed and as a result whereof concerned police authorities are finding it difficult to implement the same. It is also submitted that steps have been taken by the police authorities for implementation of order dated 19th June, 2026 against defendants in the aforesaid suit.
12. On perusal of order dated 22nd July, 2026 passed by civil court, it appears that a report was called for taking note of allegations made by plaintiffs therein

that there was violation of order dated 19th June, 2026, from the concerned police authorities and matter is fixed for consideration before the civil court today, 21st August, 2026.

13. Since civil court passed an ex parte ad interim order of injunction on 19th June, 2026 it is for said court to decide the issue in accordance with law, if it is alleged by plaintiffs that order passed by civil court is not complied with.
14. However, submission made on behalf of respondent nos.7 to 10, 12 & 13 is recorded herein that aforementioned respondents are not parties to said suit. Therefore, according to those respondents order passed by civil court on 19th June, 2026 does not bind them.
15. With the aforesaid observations, writ petition is disposed of.
16. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)