

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 22370 OF 2026

SWAPAN PAL AND ANOTHER

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Sudip Sarkar, Adv.
Mr. Aninda Bhattacharya, Adv.
Ms. Sneha Maity, Adv.

...For Petitioners

Mr. Ranjan Kumar Sinha, Adv.
Mr. Surojit Das, Adv.

...For State

Mr. Satyendra Agrawal, Adv.
Mr. Sudipta Maiti, Adv.
Mr. Goutam Malik, Adv.

...For Private Respondents

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. By presenting this writ petition prayer is made for implementation of the order dated 7th October, 2024 passed by learned Civil Judge (Junior Division), 2nd Court, Paschim Medinipore on Title Suit no.495/ 2023 instituted by petitioners.
3. State respondents and respondent nos. 8 and 10 are represented by learned advocates.
4. On perusal of order dated 7th October, 2024, it appears that civil court by passing an order of injunction restrained defendants from disturbing peaceful possession of the plaintiffs over the suit property and also restrained them from encroaching any part of the suit schedule property.
5. If petitioners being plaintiffs in the suit find that such order of injunction dated 7th October, 2024 is not complied with, in that event, petitioners are required

to approach Civil Court within the statutory framework. Police authority is not the appropriate authority to decide *inter se* right of the parties over the suit schedule property when suit is pending before the Civil Court.

6. Hence, present writ petition is not entertained and same stands dismissed.
7. However, this order shall not preclude petitioners to approach Civil Court in pursuit of remedy.
8. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)