

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 10557 of 2020

(Through Video Conference)

Suchitra Duley & Ors.

-vs.-

The State of West Bengal & Ors.

Mr. Santosh Kumar Chakraborty
...for the petitioners

Mr. Chandi Charan De,
Ms. Chandana Ghosh,
Mr. Anirban Sarkar
...for the respondent-authorities

The petitioners have approached this Court with the grievance that the police authorities are not taking any steps to restrain the private respondents from making any unauthorised construction on the petitioners' property.

In view of the urgency involved and since it was submitted by the petitioners that the civil court, where a suit is pending at the behest of the petitioners, was not functioning in full strength, an ad interim injunction was passed on an *ad hoc* basis to afford protection to the petitioners till the petitioners' injunction application is taken up by the civil court.

When the matter is taken up for hearing today, learned counsel for the respondent-authorities files a report, in the form of instruction, where the police

authorities have recorded that, till now, no untoward incident has happened at the locale and the construction work has remained on hold.

In such view of the matter, there is no use in keeping the writ petition pending unnecessarily.

However, for the ends of justice, the interim protection granted to the petitioners ought to be extended for a limited period.

Accordingly, W.P.A. No. 10557 of 2020 is disposed of by restraining the respondent nos. 5 to 11 from making any unauthorised construction on the disputed property till December 24, 2020. The police authorities shall ensure that this order is not violated.

The petitioners are given liberty to approach the civil court, where their civil suit is pending, with a prayer for urgent hearing of the petitioners' application for injunction. If such a prayer is made, the civil court is requested to take up the matter on urgent basis.

It is made clear that the restraint order passed by this Court is entirely on an *ad hoc* basis, to protect the petitioners' alleged rights till the injunction application of the petitioners is heard out by the civil court.

This court has not entered, even *prima facie*, into the merits of the petitioners' case with regard to the dispute as to whether private respondents' construction on the suit property is unauthorised. It will be open to the civil court to decide such dispute in accordance

with law without being influenced in any manner by the orders passed in the present writ petition.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)