

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas**

**MAT 507 of 2025
With
IA No.: CAN 1 of 2025**

**Smt. Archana Bose & Ors.
Vs.
Smt. Litton Basu & Ors.**

For the Appellants : Mr. Santanu Mukherjee, Advocate
Ms. Gargi Saha, Advocate
Ms. Madhumita Kar, Advocate

For the writ petitioner/respondent: Mr. Dibashis Basu, Advocate
No.1 Mr. Arun Bandyopadhyay, Advocate

Hearing & Judgment on : August 4, 2025

DEBANGSU BASAK, J.:-

1. Certified copy of the impugned order dated March 6, 2025 passed in WPA 3635 of 2024 filed in Court be taken on record.
2. Appellants are aggrieved by the order dated March 6, 2025 passed in WPA 3635 of 2024.
3. By the impugned order, learned Single Judge, after noticing that there is a civil suit pending between the parties, directed the police

authorities to ensure that in case there is no order from a Civil Court and obstructions created for the writ petitioner to enjoy any property, the police authorities will ensure that there is no breach of peace and/or tranquility at the behest of the private respondents in the writ petition.

4. Appellants before us are the private respondents in the writ petition.
5. The immovable property concerned is four cottahs of land with two-storied building lying and situate at Raghunathpur, Kanta Ranguni Mouza, Pargana-Nalichanda, Post Office-Kashipur, Police Station-Kashipur in the district of Purulia.
6. Apparently, there is a deed of gift dated January 13, 2018 in respect of such property. Such deed of gift is the subject-matter of a civil suit being Title Suit No.27 of 2023 pending the Court of learned Civil Judge (Jr. Division) filed at the behest of the appellants. Writ petitioner is a defendant in such suit.
7. In Title Suit No.27 of 2023, appellants challenged the legality and validity of the deed of gift by which the writ petitioner is claiming title to the immovable property. Such title suit is yet to be disposed of.
8. Since there subsists disputes between the private parties which are civil in nature and since there is a civil suit pending between the private parties with regard to the immovable property concerned, it would not be appropriate for a Writ Court to intervene with regard to possession of such property.

9. Impugned order potentially interferes with the possession of the immovable property without the civil disputes attaining finality even at the stage of the trial court.
10. In such circumstances, we set aside the order impugned passed by the learned Single Judge as it affects the possession of the appellants in respect of the immovable property concerned.
11. **MAT 507 of 2025** and **IA No.: CAN 1 of 2025** are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

12. I agree.

(AD)

(Prasenjit Biswas, J.)