

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

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**FMA 1458 of 2025
IA NO: CAN/1/2025**

Rajkishore Panda @ Raju & Ors.

vs.

Smt. Madhumita Das Hazra & Ors.

For the Appellants : Mrs. Usha Maiti, Advocate
Mr. Sakya Maity, Advocate

For the Respondent
No. 1 : Mr. Malay Bhattacharya, Advocate
Mr. Pradip Paul, Advocate
Mr. Gourab Ghosh, Advocate
Ms. Renesa Dey, Advocate

For the State : Mr. Suman Sengupta, Sr. Govt. Advocate
Mr. Subhajit Chowdhury, Advocate

Heard & Judgment on : 03.09.2025

Md. Shabbar Rashidi, J.:-

1. Appeal is at the behest of the private respondents against the order dated July 30, 2025 passed in W.P.A. 16104 of 2025.
2. By the impugned order, the writ petition was disposed of with a direction upon the Insepctor-in-Charge, Kotwali Police Station to ensure that writ petitioner enters her residence and is not faced with inconveniences at the behest of any individual, effective steps be taken for ensuring the life of the present petitioner and with direction upon the police authorities to ensure that no breach of peace or tranquility takes place.
3. Writ petitioner claims to have purchased the property involved in the present proceeding. He contended that, private respondents/appellants were creating disturbances in possessing the demised property.
4. Private respondents/appellants coming with the case that, the private respondents have been residing in the suit premises prior to the purchase of the same by the writ petitioner. She relies upon documents claiming to be rent receipts in respect of the demised premises issued by the erstwhile owner of the same.

5. From the materials placed before us, it transpires that, the writ petitioner purchased the demised premises from its erstwhile owner, filed suit being Title Suit No. 453 of 2022 *inter alia* for the following reliefs:

“a) decree declaring the right, title, interest and possession of the plaintiff in the (A) schedule property of the plaintiff.

b) an order of permanent injunction against the defendants. So, that they may not disturb the peaceful possession of the plaintiff over the (A) schedule property of the plaintiff.

c) cost of the suit be passed.

d) any other relief/reliefs as the plaintiff entitled to get as per law and equity be passed.”

6. In such suit, writ petitioner filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure. An application under Order 39 Rule 1 and 2 of the Code of Civil Procedure was filed both on behalf of the plaintiff as well as the defendant of such suit. By an order passed in the said suit, the parties were directed maintain *status quo* in respect of the properties involved in such suit. The suit is yet to be decided finally. Issues stood framed in such suit where title to the property in question has been at issue.

7. By the impugned order, the writ petition filed on behalf of the plaintiff in Title Suit, interference in possession of the suit properties by the appellants/private respondents were complained of. Learned Single Judge directed the Inspector-in-Charge, Kotwali Police Station to ensure that the petitioner is able to enter her residence without facing inconvenience at the hands of the respondents/appellants herein. From the materials placed before us in the present proceeding, it transpires that there are civil disputes in respect of the properties involved in the proceeding. There is a civil suit pending between the parties which is yet to be disposed of. There are rival claims by the writ petitioner and the present appellants in respect of the disputed property which is required to be adjudicated by the competent civil court.
8. In such circumstances, the impugned order is hereby set aside.
9. FMA 1458 of 2025 alongwith connected application, if any, is **disposed of** without any order as to costs.

(Md. Shabbar Rashidi, J.)

10. I agree.

(Debangsu Basak, J.)