

4th Sept.,2025
Item no.D/L 01
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 20384 of 2025**

In the matter of :

Smt. Rita Halder & Anr.

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Mr. Sattwik Bhattacharyya
Mr. Rajdeep Banerjee
Mr. Aashutosh Bhattacharyya
Mr. Aritra Roy

....Advocates

For the State:

Mr. Nayan Bihani
Ms. Papiya Banerjee Bihani

....Advocates

For the Respondent no. 5:

Mr. Riddhiman Mukherjee
Mr. Debabrata Das
Mr. Pratik Acharjee

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The order dated 5th August, 2025 passed by the Executive Magistrate in MP No. 116/2025 in the matter of Dr. Shomeeta Saha Vs. Smt. Rita Halder & Another is impugned in the instant writ petition.
3. It appears that the Executive Magistrate passed direction upon the petitioners to vacate the room of the subject premises within a stipulated time period.
4. It has been brought to the notice of the Court that a civil suit in respect of the same room is pending consideration

before the Ld. Civil Judge (Junior Division), Bidhannagar being Title Suit No. 220/2025 (Smt. Rita Halder & Anr. Vs. Dr. Shomeeta Saha).

5. Specific submission of the petitioner is that the Executive Magistrate could not have entered into the civil disputes between the parties and directed eviction.
6. Learned advocate representing the respondents submits that the petitioners admitted before the Magistrate for vacating the room in question.
7. Upon hearing the parties and on perusal of the documents annexed to the writ petition, it appears that, the Executive Magistrate erroneously exercised jurisdiction to decide a civil dispute which is pending consideration before the Civil Court.
8. The Magistrate ought not to have entered into any private dispute between the parties which is pending consideration before the learned Civil Court.
9. In view of the above, the order impugned in the instant writ petition is set aside.
10. The parties will be at liberty to agitate their private civil dispute before the competent forum in accordance with law, if so advised.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)