

**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

M.A.T. 1456 of 2025

Md. Shamimuddin @ Mohammed Shamimuddin

vs.

The State of West Bengal & Ors.

with

CAN 1 of 2025

For the Appellant

**: Mr. Soumyajit Das Mahapatra
Mr. S.K. Samiul Haque**

For the Respondent Nos. 5 to 7

**: Mr. Sabyasachi Mukherjee
Mr. Subhomoy Das
Mr. Mrinmay Nandy
Ms. Ankita Nandi
Mr. Biswajit Mukherjee
Ms. Swastika Saha
Mr. Ranabeer Halder**

For the State

**: Mr. Dipanjan Datta, Ld. Sr. Govt.
Adv.
Ms. Sukanya Datta**

Heard & Judgment on

: September 10, 2025

Md. Shabbar Rashidi, J.:-

1. Appeal is directed against an order dated August 18, 2025 passed in

W.P.A. 17897 of 2025.

2. By the impugned order, learned Single Judge noted that the grievances of the appellant is relating to the property referred to in the civil suit being T.S. No. 1989 of 2025. The police authorities have, by their report, expressed the prevailing situation on the suit property. It was noted in the report referred to in the impugned order that there were cases and counter cases pending between the parties. The learned Court was of the view that since effective remedies were available to the writ petitioner against an order of injunction passed by a competent Civil Court, a Writ was not maintainable. Accordingly, the learned Single Judge dismissed the writ petition being W.P.A. 17897 of 2025 on the basis of pendency of civil suits between the parties.
3. It is submitted on behalf of learned advocate for the appellant that pendency of civil suits between the parties is not a complete bar to entertain the writ application. Moreover, there was an order passed by a Civil Court restraining the defendant in the Title Suit from obstructing the ingress and egress of the private respondents in the suit properties. Admittedly, there was a civil suit pending between the parties. The appellant claims to be the owner in respect of the suit premises. At the same time, the private respondent also claims title over the suit property by dint of a registered deed of conveyance made by the same owner.

Private respondent also claimed that prior to the purchase of the suit property from its owner, the private respondent was a tenant in respect of the selfsame property under the erstwhile owner. In that capacity of a tenant, the private respondent cannot be restrained from entering the suit premises.

4. From the materials placed before us and also in view of the submissions made on behalf of the parties, it appears that there is a title suit pending between the parties. In such title suit, both the appellant/writ petitioner as well as the private respondent claimed right, title and interest over the suit property. In addition, it is claimed by the private respondent that he was a tenant in the suit premises under the erstwhile owner which is said to have been purchased by the writ petitioner.
5. The order of injunction is ad interim in the nature and was passed on July 14, 2025. Although, there is an order directing police assistance to be granted, a Writ Court need not interfere in a pending civil suit particularly when the initial order is an *ex parte* ad interim order of injunction.
6. Under such circumstances, we find no reason to interfere with the order impugned. There are serious civil disputes between the parties which can be adjudicated by an appropriate Civil Court.

7. In such circumstances. M.A.T. 1456 of 2025 is dismissed.
8. In view of the dismissal of the appeal, the application being CAN 1 of 2025 is disposed of.

(Md. Shabbar Rashidi, J.)

9. I agree

S.D.

(Debangsu Basak, J.)