

17.12.2025
Item No.18
PG/
Ct. No.1

M.A.T. 1580 of 2025
With
I.A. No. CAN 1 of 2025
With
I.A. No. CAN 2 of 2025

Nizamuddin Faju Shaikh & Anr.
Versus
The State of West Bengal & Ors.

Mr. Ranjit Kr. Royfor the appellants

PER, PARTHA SARATHI SEN, J.:

In Re: I.A. No. CAN 1 of 2025

1. The delay in filing the instant appeal is hereby condoned and accordingly, I.A. No. CAN 1 of 2025 is disposed of.

In Re: MAT 1580 of 2025
WITH
I.A. NO. CAN 2 OF 2025

2. The subject matter of the instant appeal is the order dated 29.07.2025 as passed in WPA 16077 of 2025.
3. For effective adjudication of the instant appeal, a look to the prayers of the writ petitioners in the writ petition is required and such prayers of the writ petitioners before the learned Single Bench is reproduced hereinbelow in verbatim:

“a) To issue a writ in the nature of the Mandamus commanding the Respondents
i) To act in accordance with law;
ii) To give effect of the last representation dated 03.06.2025 to Respondent No. 3;

b) To issue writ in the nature of mandamus commanding the Respondent Authority to restrain from harassing, threatening and/or disturbing the petitioners in any manner and in whatsoever;

c) A RULE NISI in terms of prayer (a) to (c);

d) Interim order in terms of restrain order upon the respondent nos. 2 & 3 from causing any disturbances upon the petitioner and his associates in any manner and in whatsoever;

e) Pass with other or further order or orders, direction or directions as to Your Lordships seem fit and proper.”

4. We have heard learned advocate for the appellants. We have also perused the entire materials, as placed before us.
5. In course of his submission, Mr. Roy, learned advocate appearing on behalf of the writ petitioners/appellants submits before this Court that while passing the impugned order, learned Single Bench has failed to visualise the predicament and the sufferings of the writ petitioners inasmuch as a positive case has been made out in the writ petition that without any lawful authority, the police authorities are disturbing the peaceful possession of the writ petitioners in respect of the property, particulars of which has been mentioned in paragraph 3 of the instant writ petition despite the

fact that the writ petitioners are the lawful owners of the said property by way of purchase.

6. On perusal of page nos. 53 to 57 of I.A. No. CAN 2 of 2025 being a copy of the report dated 25.07.2025, as submitted on behalf of the respondent/State before the learned Single Bench, it would reveal that over the self-same property, one Sk. Noor Box claims his undivided interest and it has been further reported that since the said Sk. Noor Box apprehends that the present writ petitioners may attempt to grab the aforementioned property in question, he approached the jurisdictional civil court by filing Title Suit No. 341 of 2021 against the present writ petitioners and obtained an ad-interim order of injunction, which was extended from time to time and lastly upto 10.04.2025.
7. Mr. Roy, learned advocate appearing on behalf of the writ petitioners/appellants though contended that such order of injunction is not binding upon his clients but on a careful perusal of the entire materials, we find at least, *prima facie* that the writ petitioners are the defendants in the said title suit.
8. On a comparative study of the entire materials, as placed before us *vis-a-vis* the order impugned, it appears to us that the learned Single Bench while passing the said impugned order noticed pendency of a civil suit between the writ petitioners and another

person, who is the plaintiff in the said title suit regarding the self-same property and the learned Single Bench has also noticed that the said jurisdictional civil court passed an ad-interim order of injunction, which was still in force. Even then, learned Single Bench directed the police authorities to keep a strict vigil for maintaining peace and tranquility.

9. In our considered view, the view taken by the learned Single Bench while passing the impugned order dated 29.07.2025 is quite plausible one and thus, needs no interference from us.
10. With the aforementioned observations, M.A.T. 1580 of 2025 is dismissed. Consequently, I.A. No. CAN 2 of 2025 is also dismissed.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)