

**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

**MAT/1585/2025
With
IA NO: CAN/1/2025**

**SRI SRI BRINDABAN CHANDRA
JEW AND ESTATE, GUPTIPARA AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.**

For the Appellants : Mr. Sanjay Mukherjee,
Mr. Arghadip Das,
Mr. Chiranjit Pal, Advocates

For the State : Mr. Jayanta Samanta, Jr. Govt. Adv.

For the private Respondent No.6 /writ petitioner : Mr. Jayanta Narayan Chatterjee, SR.
Ms. Moumita Pandit, Advocate
Mr. Suprem Naskar, Advocate
Mr. Bhaskar Mondal, Advocate

Heard & Judgment on: September 24, 2025

Debangsu Basak, J.

1. Appeal is directed against an order dated August 14, 2025 passed in WPA 18020 of 2025.
2. Appeal is at the behest of the private respondent in the writ petition.

3. Learned advocate appearing for the appellants submits that, there are disputes with regard to an immovable property. Such disputes attained finality right up to the stage of the tribunal. The land in question was held to belong to the appellants.
4. Learned advocate for the appellants submits that, despite such finding, the private respondent herein, filed the present writ petition ostensibly for police inaction but essentially to obtain an order which affects the right, title and interests of the appellants in respect of the property concerned. He draws the attention of the Court to the impugned order. He submits that, the impugned order tends to interfere with the right to possession of the property by the appellants.
5. Learned senior advocate appearing for the private respondent submits that there is a civil suit pending before the learned Civil Judge (Junior Division), 2nd Court, Hooghly being Title Suit No. 475 of 2024 in which, an injunction order was passed on August 8, 2025 on contested hearing. He submits that, the party need not be allowed to act in breach of such contested injunction order.
6. Learned senior advocate for the private respondent submits that, every year, the appellant before the Court tries to create nuisance with regard to a religious function. He submits that, this year also appellants attempted to do so and therefore, the private respondent was constrained to approach the police authorities.

7. State is represented.
8. We find from the records that there are disputes *inter se* between the private parties before us namely, the appellants and the private respondent.
9. There is a civil suit in which both the private parties are parties to suit namely Title Suit No. 475 of 2024 before the learned Civil Judge, Junior Division, Second Court, Hooghly.
10. In such Title Suit on a contested hearing, by an order dated August 8, 2025, the learned Judge restricted all parties to the suit from changing the nature, character and possession of the suit property in any manner till the disposal of the suit.
11. It is not in dispute that the suit property involved in the Title Suit No. 475 of 2024 is also the subject matter of the present writ petition.
12. Since there exists an order of injunction passed by a Civil Court, on contested hearing of an injunction petition, restraining both the parties to suit and since the private parties before us, are parties to such civil suit, we direct the Officer-in-Charge, Balagarh Police Station to cause video photography of the present nature, character and possession of the suit property to be made. Officer-in-Charge of Balagarh Police Station will submit a report before the Court in seisin with TS No. 475 of 2024, in this regard. He will forward the copies of the report to the respective learned advocates for the private parties.

13. In the event there is any breach of the order dated August 8, 2025 passed by the learned Civil Judge, (Junior Division), 2nd Court, Hooghly, the parties are at liberty to take appropriate steps with regard thereto before such Court.
14. We clarify that we did not enter into *inter se* disputes between the private parties. All points are left open to be decided. We clarify that the learned Judge in Seisin of TS No. 475 of 2024 will hear and decide such suit being uninfluenced by any observations made either by the learned Single Judge or by us in this order.
15. Impugned order dated August 8, 2025 stands modified to the extent as noted above.
16. MAT/1585/2025 along with the connected application are disposed of without any order as to costs.

(Debangsu Basak, J.)

17. I agree

(Md. Shabbar Rashidi, J.)