

WPA 26394 of 2025

Anju Middey
Vs.
The State of W. B. & Ors.

Ms. Sabyasachi Chatterjee
Mr. Nikhil Kr. Gupta
Mr. Rameshwar Sinha
Mr. Subhadeep Maitra ...for the petitioner.

Mr. Jayanta Samanta
Mr. Sajjad Alam ...for the State.

Mr. Santanu Mukherjee
...for the private respondents.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

Challenging the maintainability of the writ petition, learned counsel for the State submits that an identical writ petition was filed by the petitioner earlier and by an order passed on 6th August, 2025, a co ordinate Bench of this Court granted liberty to the petitioner to approach the civil Court in the event of any breach of the civil Court's order. Learned counsel submits that the prayers in the present application are identical.

Learned counsel for the petitioner submits that the civil suit between the parties is pending. The petitioner intends to construct a tin shed room with a gate in the land in question and take electricity connection therein for which she submitted a representation before the police

authority on 3rd October, 2025. The police has not taken any steps with regard to the same.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since a civil suit is pending between the parties in respect of the land in question, the petitioner is at liberty to approach the civil Court on the issues stated in the representation dated 3rd October, 2025.

However, the police authority shall continue to keep strict vigil over the area in order to avoid any untoward incident and to ensure maintenance of law and order.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)