

05
04.02.2026
Ct. No.5
b.das

WPA 394 of 2026

Santanu Mukherjee & Ors.
Vs.
The State of W. B. & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Sandip Kr. De
Mr. Abhik Chitta Kundu ...for the petitioners.

Mr. Mujibar Rahaman
Mr. Kinkar Kr. Bhattacharya ...for the State.

Mr. Sanjib Dawn ... for respondent nos.5 to 7.

Affidavit of service, supplementary affidavit filed by the petitioners and report submitted by the State are taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioners submits that the petitioners are the owners of the property in question. In a title suit filed by the petitioners against the private respondents being TS no.343 of 2025, the learned Trial Court, by an order passed on 21st March, 2025, allowed the prayer for ad interim injunction filed by the petitioners and restrained the private respondents from creating nuisance and annoyance in the peaceful enjoyment of the petitioners in respect of the property. The petitioners submitted an application for implementation of the said order of the learned Trial Court under Section 151 of the Code of Civil Procedure, which is pending. The private respondents are continuing to disturb the peaceful possession of the

petitioners in the property and are restraining them from demolishing the old structure thereon in terms of the sanctioned plan obtained by them.

Learned counsel for the private respondents submits that the petitioners and the private respondents are owners of adjacent demarcated land and the private respondents have no right, title or interest in respect of the land of the petitioners.

It appears from the report submitted by the State that the petitioners intend to demolish the old structure in their property and construct a new building thereon. Upon consideration of the complaint lodged by the petitioners, enquiry has been held and both the parties have been asked to maintain peace in and around the locality. Strict vigil is being kept.

Upon consideration of the submission made on behalf of the parties, this Court is of the view it is not in dispute that the property in question belongs to the petitioners and the private respondents are owners of the property adjacent to the same. The application filed for implementation of the order of ad interim injunction is pending. In view of the fact that the private respondents do not appear to have any right, title or interest in respect of the property belonging to the petitioners and are only adjacent owners, the police authority is directed to take necessary steps to ensure that the order of ad interim

injunction granted by the learned Trial Court is not violated by the private respondents.

The police shall also continue surveillance in the area in order to avoid any untoward incident and ensure maintenance of peace and tranquility.

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.)