

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 08.04.2026

DELIVERED ON: 08.04.2026

CORAM:

THE HON'BLE CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE JUSTICE PARTHA SARATHI SEN

M.A.T. 1881 of 2024

With

I.A. No. CAN 1 of 2024

With

I.A. No. CAN 2 of 2024

Bela Ray

Versus

The State of West Bengal & Ors.

With

M.A.T. 88 of 2026

With

I.A. No. CAN 1 of 2026

Bela Ray

Versus

The State of West Bengal & Ors.

Appearance:-

Mr. Siddhartha Banerjee

Mr. Dyutiman Banerjee

Mr. Debjit Dutta

.....for the appellant

Mr. Suman Sengupta

Mr. Sanatan Panja

.....for the State in

MAT 1881 of 2024

Mr. Santanu Kr. Mitra

Mr. Subhabrata Das

.....for the State in

MAT 88 of 2026

JUDGEMENT (ORAL):

PER, PARTHA SARATHI SEN, J.:-

1. The subject-matter of the instant intra-Court appeal is the order dated 17.10.2023, as passed in W.P.A. 25005 of 2023 by a learned Single Bench of this Court, whereby and whereunder the said Single Bench while disposing the said writ petition, declined to grant relief to the writ petitioner by holding that holding of Puja in the property of the writ petitioner cannot create any special equity in favour of the party in the property in question.
2. At the time of hearing, learned advocate appearing on behalf of the writ petitioner, at the very outset, submits before this Court that from the order impugned dated 17.10.2023, it would reveal that in an earlier round of litigation i.e. in W.P.A. 22453 of 2022, a Single Bench of this Court did not interfere with the holding of the Puja. However, in the self-same order dated 30.09.2022, it has been recorded that such Puja would not create any special equity in favour of the party in the property in question.
3. It is further submitted on behalf of the appellant that though in the impugned order dated 17.10.2023, the learned Single Bench has recorded his finding with regard to pendency of a civil suit between the parties before the learned Civil Judge (Senior

Division), 2nd Court at Krishnagar, Nadia, however, the learned Single Bench was not persuaded to grant relief by noticing that the said trial Court directed both the plaintiffs and the defendants to maintain status quo in respect of the property.

4. At this juncture, attention of this Court is drawn to copy of the plaint as well as to the order no. 12 dated 10.04.2023, as passed in Title Suit No. 144 of 2021, wherefrom it reveals that considering the prima facie case, as made out by the writ petitioners/plaintiffs, the said trial Court directed the plaintiffs and the defendant nos. 1 to 5 to maintain status quo in respect of the nature, character and possession of the suit property. It is, thus, submitted that the learned Single Bench while passing the impugned order dated 17.10.2023 has wrongly interpreted the implication of the said status quo order as passed in Title Suit No. 144 of 2021.
5. It is, thus, prayed that appropriate relief/reliefs may be granted to the present appellant in terms of the prayers made in W.P.A. 25005 of 2023 by setting aside the impugned order.
6. Learned advocate appearing on behalf of the respondents/State however, supports the impugned order.
7. On careful perusal of the entire materials, as placed before us and after considering the submissions of the learned advocates for the

contending parties, it appears that by the impugned order dated 17.10.2023, as passed in W.P.A. 25005 of 2023, learned Single Bench declined to interfere with the happening considering the fact that in an earlier round of litigation, another learned Single Bench of this Court while disposing W.P.A. 22453 of 2022 did not interfere with the holding of the Puja and further on account of passing of the order of *status quo* in a pending title suit before the jurisdictional civil Court.

8. It appears to us that for ventilating his grievance for holding Puja by the private respondents in the property of the writ petitioner, as claimed, the writ Court is not the appropriate forum. It further appears to us that the appropriate forum would be the jurisdictional civil Court before which Title Suit No. 144 of 2021 between the parties is pending.
9. In view of such, while disposing the instant appeal, we grant liberty to the present appellant to approach the learned trial Court i.e. the Court of learned Civil Judge (Senior Division), 2nd Court at Krishnagar, Nadia to file appropriate application in the pending title suit or by way of any other civil proceeding before a competent civil Court having jurisdiction.

10. It is further made clear that in the event any application is filed in the pending civil proceeding and/or any new civil suit/proceeding is instituted before the jurisdictional Civil Judge, the said jurisdictional Civil Judge is directed to act in accordance with law while disposing the said proposed application and/or civil proceeding without being influenced either by this order or by the order dated 17.10.2023, as passed in W.P.A. 25005 of 2023 and/or by the order dated 30.09.2022 passed in W.P.A. 22453 of 2022.
11. With the aforementioned observations, the instant intra-Court appeal is disposed of.
12. With the disposal of the appeal, nothing remains to be decided in respect of I.A. No. CAN 2 of 2024 and accordingly, the same is also disposed of.

In Re: M.A.T. 88 of 2026

13. In view of the disposal of M.A.T. 1881 of 2024, nothing remains to be decided in M.A.T. 88 of 2026.
14. With the aforementioned observations, the instant appeal is disposed of.

15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(PARTHA SARATHI SEN, J.)

I agree.

(SUJOY PAUL, CJ.)