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17.02.2026
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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2607 of 2026

Pradip Sinha & Anr.
Versus
South Dum Dum Municipality & Ors.

Mr. Debansu Ghoroi
Mr. Ambu Bindu Chakraborty
Ms. Mrinmoyee Roy Chowdhury
... For the petitioners.

Mr. N. C. Bihani, Sr. Advocate
Mr. Soumyajit Ghosh
... For the municipality.

1. Affidavit of service filed in Court is taken on record.
2. The instant writ petition has been filed, inter alia, seeking enforcement of ad interim order passed by the Civil Court in T.S. No. 313 of 2025, pending before the learned Civil Judge (Junior Division), Bidhannagar.
3. According to the petitioners although the petitioners had been able to secure an ex parte ad interim order of injunction on 26th September, 2025 and subsequently though the petitioners had filed an application for extension of the interim order, such application is yet to be decided. The petitioners would submit that the same has been placed for hearing on 30th March, 2026.

4. Learned advocate for the petitioners would submit that since the petitioners were enjoying an interim order, this Court should restrain the private respondent from carrying out any development work in deviation of the order of injunction till 30th March, 2026. The municipality should also directed to ensure no construction work is carried out at the site till the next date before the Civil Court.

5. The municipality is represented.

6. Having heard the learned advocates appearing for the respective parties, I find admittedly in this case a civil suit is pending. The petitioners had initially obtained an ex parte ad interim order on 26th September, 2025, however, such interim order was later not extended, though the application seeking extension is pending. Notwithstanding the petitioners seeking for an order of injunction till the next date of hearing, I am of the view that there is no scope to pass an order of injunction in the above petition since this Court cannot permit the petitioner to avail both the statutory remedy as also the extra-ordinary remedy at the same time. The petitioners are yet to establish their right before the civil Court.

7. Accordingly, the writ petition stands dismissed without any order as to costs.

8. The above order shall not interfere with the rights of the parties in the pending civil suit.

(Raja Basu Chowdhury, J.)