

13 **31.03.2026**
(DL) Court No. 05
 (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 4883 of 2026

Sulata Maity (Das)
-Versus -

The State of West Bengal & Ors.

Mr. B.C. Manna
Ms. Munmun Sett
Ms. Moumita Biswas

...for the petitioner

Mr. Anand Farmania
Mr. Abdus Salam

.....for the State respondents

Mr. Prasayan Mukherjee
Ms. Ramsha Shamim

....for the private respondent

1) Pursuant to the order dated 24th March, 2026 matter is taken up for consideration in presence of the learned advocates representing the petitioner, State respondents and respondent no. 7.

2) Learned advocate representing the respondent no. 7 has placed before this Court ad interim order dated 9th September, 2025 passed by the learned Civil Judge (Senior Division), Uluberia, Howrah in Title Suit No. 212 of 2025. Copy of said order dated 9th September, 2025 is taken on record.

3) It is submitted by learned advocate representing the petitioner that a construction was carried out at the instance of the petitioner on the land in question which was stopped by the concerned police authorities and laborers who were working at the site were taken to the Police Station. It is also submitted that after obtaining permission from the concerned panchayat authorities petitioner started construction which was hindered by the police authorities.

4) Learned advocates representing the State respondents and respondent no. 7 have jointly submitted that issue involved in this writ petition pertains to civil in nature requiring the petitioner to approach appropriate forum.

5) Having considered the submissions made on behalf of the parties, it is found that Title Suit No. 212 of 2025 is pending before the civil court which was instituted by the respondent no. 7 wherein respondent no. 7 being the plaintiff obtained *ex parte* ad interim injunction order of *status quo* on 9th September, 2025. Present petitioner is one of the defendants in said Title Suit. If petitioner is restrained from making construction on the land which is part of the suit property, in that event petitioner needs to approach the civil court seeking necessary direction.

6) However having seen the ad interim order dated 9th September, 2025 passed by the civil court, it is found

that right of the parties to the suit was not decided at the interim stage and an ad interim order of status quo was passed without describing the situation that was prevailing on the date of passing order dated 9th September, 2025. It is settled unless right of the parties to a civil litigation is not decided finally, police authority at the interim stage is not bound to extend assistance based on ad interim order of *status quo* unless situation prevailing on the date of passing such order is described by the civil court. In this regard, reliance is placed on the judgment of the coordinate Bench dated 5th February, 2016 reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. Vs. State of West Bengal & Ors.)**. Hence, concerned police authorities are directed only to maintain peace and tranquility at the locale and keep vigil.

7) However, parties are at liberty to seek necessary clarification of the ad interim order of *status quo* dated 9th September, 2025 before the civil court in accordance with law.

8) Writ petition stands disposed of.

9) There shall be no order as to costs.

10) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)