

WPA 4882 of 2026

**Tushar S. Kamdar & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Prabal Kumar Mukherjee
Mr. Swarnava Roy

...for the petitioner

Mr. Santanu Kumar Mitra
Mr. Amartya Pal

...for the State

Mr. Sayak Chakraborty
Mr. Wrick Brata Roy
Mr. Iswar Das
Mr. Farhan Haider
Mr. S. Chatterjee
Mr. Nishar Molla

...for the respondent no. 6

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing petitioners, State respondents and private respondents.
3. Mr. Prabal Kumar Mukherjee, learned senior advocate representing the petitioners has placed reliance on the order dated 27th January, 2026 passed by Civil Judge (Junior Division), 4th Court, Alipore whereby defendants in Title Suit No. 102 of 2026 were restrained for making any disturbance,

hindrance, obstruction in construction of boundary wall upon the suit property and also from creating any obstruction or hindrance in construction of the proposed building on the suit property as described under the schedule of property in interim petition and plaint till 26th February, 2026.

4. It is submitted on behalf of the petitioners that on 26th February, 2026, aforesaid order passed by Civil Court on 27th January, 2026, was extended.
5. Petitioners pray for police assistance for implementation of the order dated 27th January, 2026.
6. Private respondents are represented by learned advocate who has submitted that an application seeking vacation of the interim order dated 27th January, 2026 under Order 39 Rule 4 is pending before the Civil Court and same is yet to be decided.
7. State respondents are represented by learned advocate.
8. Having considered the respective submissions made on behalf of the parties it is found if Court proceeds on the premise that order passed by the Civil Court on 27th January, 2026 still subsists in that event Court cannot

ignore pendency of the suit as well as connected application seeking vacation of the interim order dated 27th January, 2026. Today, if mandamus is issued by entertaining the writ petition directing the concerned police authority to provide assistance for implementation of the order dated 27th January, 2026 in that event nothing will be left to be decided in vacating application and in suit itself.

9. In view of aforesaid consideration this Court is not inclined to interfere with the writ petition.
10. Writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)