

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 5045 OF 2026

ANANDA KHAN
VS
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Juin Dutta Chakraborty, Adv. (Via VC)
Mr. Bidan Modak, Adv.
...for the Petitioner

Mr. Munmun Tewary, Adv.
Mr. Partha Sarathi Sen Sharma, Adv.
...for the State

Mr. Anirban Kar, Adv.
Mr. Munshi Ashiq Elahi, Adv.
Mr. Rohit Mahato, Adv.
Ms. Anisha Parvin, Adv.
...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and private respondents.
3. Learned advocate representing the petitioner submits that though petitioner lodged a complaint narrating an incident, which took place on 6th March, 2026, but necessary steps are not taken by the concerned police authority.
4. In addition thereto notice of this Court has been drawn to page 23 of the writ petition in order to make out a case that a complaint was lodged concerning another incident which took place on 10th May, 2025 but no steps were taken.

5. By filing this writ petitioner, *inter alia*, petitioner prays for direction upon the concerned police authority to take steps.
6. Private respondents are represented by learned advocates who has opposed this writ petition and submits that there are suits pending before the Civil Court, one being T.S. No.170 of 2019 instituted at the instance of the petitioner and another being T.S. No.292 of 2019 instituted by the private respondents. It is also submitted that in the aforementioned suits parties are claiming their right over the property in question.
7. Learned advocate representing the State respondents has filed a communication dated 9th March, 2026 of Inspector-in-Charge, Bagnan Police Station, Howrah and same is taken on record.
8. It is disclosed in the communication dated 9th March, 2026 that the dispute pending between the petitioner and the private respondents is civil in nature and parties have instituted suits claiming their respective rights over the property in question. It is also disclosed that based on one complaint of the petitioner wherein incident dated 6th March, 2026 was narrated, a criminal prosecution being Bagnan Police Station Case No.128 of 2026 dated 7th March, 2026 was initiated under certain provisions of BNS.

9. However, it is further submitted on behalf of the State respondents that though another complaint is annexed to this writ petition at page 23 stating another incident dated 10th May, 2025 but such complaint was never submitted before the police authorities.
10. Having considered the respective submissions made on behalf of the parties and taking note of the communication dated 9th March, 2026, it appears that civil dispute subsists between the petitioner and private respondents and the parties are at liberty to assert their *inter se* right over the property in question before the Civil Court in the pending *lis*.
11. Reliance is placed on an ad interim order of injunction dated 12th December, 2023 passed by learned Civil Judge (Junior Division), 2nd Court, Uluberia whereby defendants/private respondents herein were restrained from causing disturbance in peaceful possession of the plaintiff over the suit property in question.
12. If ad interim order of injunction dated 12th December, 2023 still subsists, petitioner shall be at leave to take steps before the Civil Court for violation of the directions.
13. However, concerned police authority is directed to take expeditious steps in connection with the criminal

prosecution being Bagnan Police Station Case No.128 of 2026 dated 7th March, 2026 by taking the same to its logical conclusion.

14. Concerned police authorities are also directed to maintain peace and tranquility at the locale and keep vigil.
15. With the above observations and directions writ petition stands disposed of.
16. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)