

17 **17.03.2026**
(DL) Court No. 05
 (Suvendu Mukherjee)

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

WPA 5099 of 2026

Skypaathh Reality Pvt. Ltd.
-Versus -
The State of West Bengal & Ors.

Mr. Ayan Bhattacharya, Sr. Adv.
Mr. Manish Shukla, Adv.
Mr. Shounak Mondal, Adv.
Ms. Ivi Banerjee, Adv.

...for the petitioner

Mr. Soumya Mazumder, Sr. Adv.
Mr. Santanu Chatterjee, Adv.

.....for the respondent no. 4

Mr. Biplab Guha, Adv.
Mr. Biswajit Das, Adv.

....for the State respondents

1) Matter is heard in presence of learned advocates representing the petitioner, State respondents and respondent no. 4.

2) Mr. Ayan Bhattacharya, learned Senior Advocate representing the petitioner submits that petitioner has right to use the godown in question based on a tenancy agreement but private respondent is disturbing peaceful possession of the petitioner over said godown in spite of order dated 8th December, 2025 passed by the Additional District Judge, Fast Track 2nd Court,

Sealdah, 24 -Parganas (South) on Misc. Appeal No. 20 of 2025.

3) Attention of this Court has been drawn to said order dated 8th December, 2025 passed by the Civil Court whereby respondent no. 1 being the private respondent herein was restrained from causing any kind of obstruction and disturbance to the appellant who is petitioner herein in free user and enjoyment of the tenancy in respect of the suit property.

4) It is submitted that *ad interim* order passed on 8th December, 2025 still subsists but the private respondent is disobeying said order requiring direction upon the concerned police authorities which would facilitate the petitioner to run its business by using the godown in question. In support of such submission, reliance is placed on the order dated 5th March, 2020 passed by a coordinate Bench on a writ petition being **WPA 7810 of 2019 (Sri Sri Mritunjay Shib Thakur, represented by Madan Mohan Ghosh & Ors. Vs. The State of West Bengal & Ors.)**.

5) Mr. Mazumder, learned Senior Advocate representing the respondent no. 4 has opposed this writ petition and it is submitted that the issue involved in this writ petition is civil in nature and petitioner is required to take steps in accordance with law before the appropriate forum.

6) Submission made on behalf of the respondent no. 4 is adopted by learned advocate representing the State respondents.

7) Having considered the submissions made on behalf of the respective parties, it appears that petitioner obtained *ad interim* order from the Civil Court in connection with Misc. Appeal No. 20 of 2025 wherein respondent no. 4 was restrained from causing any kind of obstruction and disturbance to the petitioner in free user and enjoyment of the tenancy in respect of godown in question. If petitioner is aggrieved by the conduct of the respondent no. 4 which amounts to violation of said order dated 8th December, 2025, in that event petitioner is required to approach the Civil Court instead of filing the present writ petition as the issue involved in this writ petition is civil in nature.

8) Order passed by the coordinate Bench in **Sri Sri Mritunjay Shib Thakur, represented by Madan Mohan Ghosh** (supra) does not come in aid of the petitioner as the coordinate Bench in that case considered the subsequent order of Civil Court directing the police authority to implement the order of injunction but in the present case there is no such direction passed by Civil Court in separate proceeding.

9) Hence, no relief can be granted to the petitioner.

10) Writ petition stands dismissed.

11) However, this order shall not preclude the petitioner to take steps in accordance with law before the appropriate forum.

12) There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)