

WPA 5265 of 2026

**Vivek Shaw
Vs.
The State of West Bengal & Ors.**

Mr. Kumar Jyoti Tewari
Mr. Ankit Sinha
Mr. Aniruddha Tewari
Mr. Samriddhi Nayak
...for the petitioner

Ms. Sulagna Bhattacharya
Ms. Kakali Pal
...for the State

Mr. Denasis Kar
Mr. Husen Mustafi
Ms. Suhana Parvin
Ms. Paramita Mukherjee
...for the respondent nos. 4 & 5

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner has approached this Court with the present writ petition, *inter alia*, praying for direction upon the police authority not to permit the private respondents to use the land of the petitioner for Eid celebration. Prayer is made for cancellation of the permission granted by the concerned police authority to organize fair on the land of the petitioner.
3. In support of the case made out in this writ petition it is submitted by Mr. Kumar Jyoti Tewari, learned senior advocate representing the petitioner that Title Suit being No. 212 of

2024 is pending before the Civil Judge (Junior Division) at Barrackpore and in connection therewith an order was passed on 21st May, 2024 by the Civil Court which does not permit the concerned police authority to grant permission to organize fair on the land of the petitioner.

4. Private respondents and State respondents are represented by learned advocates.
5. It is submitted jointly on behalf of respondents that such fair on the occasion of Eid is being organized for many years and it is not the fact that for the first time this fair is going to be organized on the land of the petitioner.
6. This Court cannot brush aside the fact of pendency of suit being 212 of 2024 before the Civil Court wherein *inter se* right of the parties to the suit to be decided as to which party shall have right, title and interest over the land in question.
7. Reliance is placed on the order of the Civil Court dated 21st May, 2024 but on perusal of the said order it appears that defendants were restrained from undertaking construction work over the suit property by changing its nature.
8. From the submissions made on behalf of the petitioner it does not appear that any

construction work is continuing on the land in question rather a fair would be organized and which is being organized for several years.

9. In view of aforesaid facts and taking note of pendency of the civil suit Court is not inclined to interfere with this 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.)