

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

W.P.A. 5542 OF 2026

SHRI KARTICK MALAKAR
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Ms. Dipika Sarkar, Adv.
Ms. Swarnwarshi Poddar, Adv.
...for the Petitioner

Mr. Rajat Dutta, Adv.
Ms. Indumouli Banerjee, Adv.
...for the State

Mr. A. Bera, Adv.
Mr. Subrata Bhattacharya, Adv.
...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner prays for direction upon the concerned police authorities to provide necessary assistance which would facilitate the petitioner to enjoy peaceful possession over the property in question.
3. On hearing the learned advocates representing the petitioner and the private respondents, it appears that a suit is pending before the learned Civil Judge (Junior Division), 1st Court, Hooghly Sadar and an ad interim order of injunction was passed on 1st July, 2025.
4. On behalf of the State respondents a communication dated 17th April, 2026 of Inspector-in-Charge, Chinsurah P.S., Chandannagar Police Commissionerate is filed and same is taken on record. Copies of the said communication dated 17th April, 2026 are made over to

the learned advocates representing the petitioner and the private respondents.

5. It is disclosed in the communication dated 17th April, 2026 that a criminal prosecution being Chinsurah P.S. Case No.196 of 2025 dated 4th June, 2025 was initiated under certain provisions of Bharatiya Nyaya Sanhita, 2023 on the complaint lodged by the petitioner and on completion of investigation charge-sheet being Chinsurah P.S. Charge-sheet no.261 of 2025 dated 31st July, 2025 was submitted before the jurisdictional Magistrate.
6. Since petitioner and private respondents are claiming right over the property in question and *lis* is pending before the Civil Court, leave is granted to the parties to approach the Civil Court in pursuit of remedy.
7. Police authority is not the appropriate authority to decide *inter se* right of the parties over the property in question.
8. However, concerned police authorities are directed to maintain peace and tranquility and keep vigil at the locale.
9. Writ petition is disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)