

WPA 5993 of 2026

**Ganesh Chandra Paul & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sudeepta Kumar Basu
Ms. Meghla Das
...for the petitioners

Mr. Rabindra Nath Pal
Mr. Prabir Kumar Roy
...for the State

Mr. Angshuman Chakraborty
Mr. Shashankha Sekhar Saha
...for the respondent no. 4

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Petitioners are co-owners of land in question who have approached this Court with the present writ petition making allegation against the private respondents specially respondent no.4 who is creating disturbances in peaceful possession of the land by the petitioners. It is also contended that preemption case is pending before the Civil Court being Miscellaneous Case no. 15 of 2023 and an *ad interim* order was passed on 10th July, 2025 directing the parties to maintain *status quo* in respect of the suit property till disposal of the case. It is contended on behalf of the

petitioners that police authorities are not taking steps which would permit the petitioners to enjoy peaceful possession over the land in question.

3. Respondent no. 4 and State respondents are represented by learned advocates. It is contented on behalf of respondent no. 4 that a part of land was sold out to the respondent no. 4 by respondent nos. 5 and 6 and respondent no. 4 is having right over the part of land in question which was sold out. In addition thereto, the allegations made against respondent no. 4 by the petitioners are disputed.
4. Learned advocate representing the State respondents has filed a communication dated 17th March, 2026 of Inspector-in-Charge, Bishnupur Police Station, South 24 Parganas and same is taken on record. Copy of said communication dated 17th March, 2026 is made over to the learned advocates representing the petitioners and respondent no. 4.
5. It is disclosed in the communication dated 17th March, 2026 that on enquiry a prosecution under Section 126 of BNSS 2023 was initiated against private respondents.

6. From the submissions made on behalf of the parties it appears that issue involved in this writ petition is civil in nature and a Miscellaneous Case No. 15 of 2023 (preemption case) is pending before the Civil Judge (Jr. Division) 6th Court, Alipore. An interim order was passed on 10th July, 2025 by the Civil Court in the aforesaid preemption case thereby directing the parties to maintain *status quo* with regard to the suit property.
7. Order of the Civil Court dated 10th July, 2025 to maintain *status quo* without describing the right of the parties over the property in question on the day said interim order was passed i.e. 10th July, 2025 made it difficult so far police authorities are concerned to take steps. In this regard reliance is placed on the judgement of a coordinate bench reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. Vs. State of West Bengal & Ors.)**.
8. In aforesaid conspectus concerned police authorities are directed to maintain peace and tranquility at the locale and prevent untoward incidents.

9. However, petitioners shall be at leave to approach the Civil Court for adjudication of right.
10. Writ petition stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)