

WPA 5771 of 2026

**Md. Samir Hossian Molla
Vs.
The State of West Bengal & Ors.**

Mr. Nitai Ch. Saha
Ms. Nisha Agarwal
Ms. Poulami Majumdar
Mr. Abhijit Majumdar

...for the petitioner

Mr. Jayanta Samanta
Ms. Indumouli Banerjee
...for the State

Mr. Ayan Banerjee
Mr. Dhiman Banerjee

...for the respondent nos. 6 & 7

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner alleges that in violation of the *ad interim* order of injunction dated 9th February, 2026 passed by Civil Judge (Senior Division) 7th Court Alipore, respondent nos. 6 and 7 are making construction on the land of the petitioner being the scheduled property in Title Suit No. 200 of 2026 instituted by the petitioner. Petitioner prays for issuance of mandamus directing the concerned police authorities to restrain the private respondents

from making construction on the suit land in connection with Title Suit No. 200 of 2026.

3. Learned advocate representing private respondents has submitted that two title suits are pending one at the instance of petitioner another at the instance of private respondents and in connection with both the title suits *ad interim* orders of injunction were passed by the Civil Court. It is also submitted that petitioner is making construction not on the land of the petitioner but on the land under Dag No.1131/1409 under Maheshtala Municipality. It is also submitted that land under Dag No. 1131/1409 is not scheduled land in the Title Suit being 200 of 2026 instituted by the petitioner.
4. State respondents are also represented by learned advocate and it is submitted that the issue involved in this writ petition is civil in nature, police authority is not the appropriate authority to demarcate respective lands of the petitioner and private respondents.
5. Considering the submissions made on behalf of the parties it is found that petitioner has obtained *ad interim* order of injunction on 9th February, 2026 passed by Civil Judge (Senior Division) 7th Court, Alipore thereby restraining

the private respondents from disturbing the peaceful possession of the plaintiff/petitioner of the suit property and from encroaching upon the suit land and/or raising construction on the said suit land. If petitioner finds that construction is being carried out by the private respondents on the scheduled land in connection with Title Suit No. 200 of 2026, petitioner shall be at leave to approach the Civil Court alleging violation of the *ad interim* order dated 9th February, 2026 in terms of relevant provisions of the Code of Civil Procedure.

6. Issue raised in this writ petition ought not to be delved into by giving direction upon the concerned police authorities to demarcate the land of the petitioner and private respondents.
7. Hence, Court is not inclined to interfere with this writ petition.
8. Writ petition stands dismissed.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)