

08.04.2026

Item no. DL 14
Court No. 05

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 5944 of 2026

In the matter of :

SMT. PAPIYA MUKHERJEE & ANR.

...Petitioners

VS.

THE STATE OF WEST BENGAL & ORS.

...Respondents

For the Petitioners :

Mr. A. K. Gayen

Ms. A. A. Gayen

....Advocates

For the Respondents / State :

Mr. Tarak Karan

....Advocate

For the Respondent nos.5, 6, 8 & 9 :

Ms. Ipsita Guha

....Advocate

For the Respondent no.7 :

Mr. Pinaki Datta

....Advocate

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners submits that due to acts and actions of the private respondents, they are not able to stay at the premises in question which is subject matter of Title Suit no.650 of 2025. It is further submitted that petitioners and private respondents are co-sharers of the suit property and without impleading the petitioners party aforesaid civil

litigation was instituted by the private respondents and an *ad interim* order of injunction was obtained on 20th June, 2025 from Civil Court. Vide said order dated 20th June, 2025, parties to the suit were directed to maintain *status quo* regarding nature, character and possession of the scheduled suit properties.

3. It is further submitted that a complaint was lodged on 24th January, 2026 before the concerned police authorities but steps were not taken, as a result whereof petitioner could not stay at the premises in question. Prayer is made for direction upon the police authorities to take necessary steps which would facilitate the petitioners to stay at the premises in question.
4. State respondents and private respondents are represented by learned advocates.
5. Learned advocate representing the private respondents has disputed the submissions made on behalf of the petitioners relating to the right of the petitioners over the suit property.
6. Learned advocate representing the State respondents has filed a communication dated 16th March, 2026 of Officer-in-Charge, Naihati Police Station, Barrackpore Police Commissionerate and the same is taken on record. It is disclosed in the

communication dated 16th March, 2026 that there were complaints and counter-complaints by petitioners and private respondents giving rise to separate criminal prosecutions, one being Naihati Police Station Case No.20 dated 24th January, 2026 and another being Naihati Police Station Case No.21 dated 24th January, 2026.

7. Concerned police authorities are directed to expedite the investigation and submit report before the Jurisdictional Magistrate at an early date. Police authorities are also directed to maintain peace and tranquility in the premises in question. However, the police authorities are not the appropriate authority to decide the *inter se* right of the parties over the property in question. If the petitioners are aggrieved by the conduct of the private respondents, in that event the petitioners shall be at liberty to approach the Civil Court in pursuit of remedy.
8. Accordingly, the instant writ petition stands disposed of.
9. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)