

30.03.2026  
Sl. No. 12  
Ct No. 5  
SG

**WPA 5946 of 2026**

**Islam Gazi  
Vs  
The State of West Bengal & Ors.**

Ms. Pampa Dey (Dhabal),  
Ms. Sangita Banerjee.

...for the petitioner

Mr. Pritam Choudhury.

...for the State

Mr. Suman Basu,  
Mr. Abdul Murshid,  
Mr. Subhajit Das.

...for respondent nos. 4 & 7

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits in spite of orders passed in Title Suit No. 9078 of 2014 on 28.09.2016 and the subsequent order passed on an application of the petitioner under Section 151 of Code of Civil Procedure on 30.01.2025, concerned police authorities are not taking steps for maintaining status quo in respect of the suit property. As a result, private respondents are making construction over the land in question. Petitioner prays for direction to take steps in terms of the order dated 30.01.2025 passed by Civil Judge (Senior Division), 7<sup>th</sup> Court, Alipore thereby directing the Inspector in-Charge, Hatishala Police Station to render assistance in order to implement the previous order dated

28.09.2016 directing the parties to the suit to maintain status quo.

3. On behalf of the State respondents one communication dated 26.03.2026 of Officer-in-Charge, Polerhat Police Station is filed along with necessary documents and those are taken on record.

4. It is jointly submitted by the learned advocates representing the State respondents and private respondent nos. 4 and 7 that the situation was altered after order was passed on 03.07.2025 by the 7<sup>th</sup> Civil Judge (Senior Division), Aipore in the aforesaid suit thereby permitting the private respondents to make construction on the land in question.

5. It is also submitted on behalf of the respondent nos. 4 and 7 that petitioner by lodging complaint on 17.02.2026 made allegations against respondent nos. 5 and 6 who are not alive.

6. Having considered the respective submissions made on behalf of the parties and taking note of the materials available on record, it transpires that Civil Court permitted some of the parties to the suit to make construction vide order dated 03.07.2025. Therefore, based on order dated 30.01.2025 of the Civil Court it ought not to be submitted on behalf of the petitioner that order passed on 28.09.2016 is required to be implemented by the police authority due to changed circumstances. It is a case where in terms of the order dated 03.07.2025 private respondents are making

construction which can be interfered with if the order dated 03.07.2025 is varied or vacated. The order passed by the Civil Court on 03.07.2025 permitting the private respondents to make construction is not disclosed in this writ petition.

7. In view of aforesaid scenario, no relief can be granted. Accordingly, writ petition is dismissed.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Saugata Bhattacharyya, J.)**