

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

W.P.A. 6214 OF 2026

GOPAL SANA
VS
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Nirmalendu Bera, Adv.
Ms. Tanim Nandy, Adv.
...for the Petitioner

Mr. Amit Gupta, Adv.
Mr. Abhijit Ghosh, Adv.
...for the State

Mr. Debashis Banerjee, Adv.
Mr. Kartik Kumar Ray, Adv.
Mr. Rakesh Jana, Adv.
Mr. Apurba Kolya, Adv.
...for the Respondent No.5

Mr. Adil Naser, Adv.
...for the Respondent No.6

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner, State respondents and private respondents.
3. Petitioner filed a complaint dated 10th December, 2025 alleging by making unauthorized construction at the property in question respondent no.5 is illegally selling water. Petitioner prays for direction upon the concerned police authorities to take steps based on such complaint dated 10th December, 2025.
4. Mr. Banerjee, learned advocate representing the respondent no.5 has disputed the submission made

on behalf of the petitioner and it is contended that the property in question is un-partitioned and a title suit being T.S. No.146 of 2022 is pending before the learned 3rd Civil Judge (Senior Division), Howrah.

5. It is also submitted that two writ petitions, one at the instance of the petitioner being WPA 18631 of 2025 and another being WPA 2448 of 2026 at the instance of the respondent no.5 are pending before the Co-ordinate Bench for consideration wherein petitioners in both the writ petitions allege unauthorized construction by the respective parties.
6. Learned advocate representing the respondent no.6 submits that no allegation is made against said respondent. Therefore, respondent no.6 is not a proper and necessary party in this writ petition.
7. Mr. Gupta, learned advocate representing the State respondents has placed a communication dated 1st April, 2026 of Officer-in-Charge, Sankrail Police Station, Howrah Police Commissionerate and same is taken on record.
8. It is disclosed in the said communication dated 1st April, 2026 that the issue involved in this writ petition is civil in nature which does not require steps to be taken by the concerned police authorities. However, to maintain peace and tranquility at the locale prosecution being Non-Cognizable Report No.72 of

2026 dated 15th February, 2026 is submitted under Section 107 of Cr.P.C.

9. In consideration of the submissions made on behalf of the parties and taking note of the contents of the communication dated 1st April, 2026, it appears that no further order need be passed on this writ petition at this stage except directing the concerned police authorities to maintain peace and tranquility at the locale.
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.)