

13 **16.04.2026**
(DL) Court No. 05
 (Suwendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

WPA 6221 of 2026

Kishor Kumar Chakraborty

–Versus –

The State of West Bengal & Others

Mr. Santanu Kumar Sen

Ms. Reshmi Khatun

.....for the petitioner

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

.....for the State respondents

Mr. Debjit Mukherjee

Mr. Kaustav Bhattacharya

....for the respondent no. 4

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) It is submitted by learned advocate representing the petitioner that petitioner is having tenancy right in respect of property in question and ignoring such right respondent no. 4 is bent upon to evict the petitioner from premises in question. Petitioner prays for direction upon the concerned police authorities which would permit the petitioner to enjoy his tenancy right.
- 3) State respondents and respondent no. 4 are represented by learned advocates.
- 4) Learned advocate representing respondent no. 4 has disputed the submission made on behalf of the

petitioner and it is submitted that Title Suit No. 385 of 2025 is pending before the learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 Parganas. It is also submitted that petitioner could not obtain order on the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure till date. In this regard, reliance is placed on the order passed by the Civil Court on 17th March, 2025 on application under Order XXXIX Rule 1 and 2.

5) A communication is filed by the learned advocate representing the State respondents dated 13th April, 2026 of Inspector-in-Charge of Baguiati Police Station, Bidhannagar Police Commissionerate and same is taken on record. Copies of said communication are made over to learned advocates representing the petitioner and respondent no. 4.

6) It is disclosed in said communication that on preliminary enquiry a prosecution under section 126 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was submitted and steps are being taken to maintain peace and tranquility at locale in question.

7) Having considered the respective submissions made on behalf of the parties, it appears that petitioner is claiming tenancy right over part of the property in question and prayer is made for directing the concerned police authorities which would permit the petitioner to enjoy his tenancy right. Issue is civil in nature requiring petitioner to obtain order from the civil court. Police authority is not appropriate

authority to decide *inter se* right of the parties over the property in question.

8) However, concerned police authority is directed to maintain peace and tranquility at locale.

9) This order shall not preclude the petitioner to approach the civil court in pursuit of his remedy.

10) Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

11) Writ petition stands disposed of.

12) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)