

March 25, 2026
Sl. No.20
Court No.1
s.biswas

MAT 471 of 2026
with
CAN 1 of 2026

Raquiba Begam and others
vs.
The State of West Bengal and others

Mr. Abhishek Halder
Ms. Madhurima Basu
Mr. Debabrata Halder
... for the appellants
Mr. Tanmoy Kumar Ghosh
Mr. Mohammad Masood
... for the State
Mr. Sourojit Dasgupta
Mr. Sounak Banerjee
Mr. Rajesh Jana
... for the respondent nos.6 & 7

Dictated by Sujoy Paul, C.J.

1. Mr. Abhishek Halder, learned counsel for the appellants, Mr. Tanmoy Kumar Ghosh, learned counsel for the State and Mr. Sourojit Dasgupta, learned counsel for the respondent nos.6 and 7, are heard on admission.
2. This intra-court appeal takes exception to the order dated 05.03.2026 passed in WPA 4513 of 2026 whereby learned Single Judge considering the pendency of Civil Suit 978 of 1935, declined to pass any

order and only observed that the concerned police authority shall ensure maintenance of peace and tranquility at the place where the property in question is situated.

3. Learned counsel for the appellants by placing reliance on Clause 666 and 669 of the Police Regulations Bengal submits that when an application is preferred seeking police protection, police is obliged to consider and decide the same. Since it has not been decided, in the light of the judgment of Hon'ble Supreme Court in **P. R. Murlidharan and others vs. Swami Dharmananda Theertha Padar and others** reported in (2006) 4 SCC 501, the appellants approached the writ court and writ court failed to issue necessary direction to the police.

4. The prayer is opposed by the learned counsel for the other side.

5. We have heard the parties at length. A bare perusal of the prayer clause of the writ application shows that the

appellant/writ petitioner is seeking enforcement of order of civil court dated 29.07.2025. In our considered opinion, a writ cannot be issued for enforcement of an interim order passed by the civil court. The civil court is best suited to implement its own order. The CPC is not silent and powerless in this regard. Curiously, despite repeated query from the Bench as to whether the appellant informed the civil court regarding non-implementation of its order dated 29.07.2025 by police, no answer is forthcoming. Nothing could be pointed out to us that if the order of civil court dated 29.07.2025 was not implemented by the police, the appellant made any effort to prefer any appropriate application before the civil court seeking appropriate direction for police. The writ remedy is not meant for deciding the civil disputes of the parties or raising ancillary issues arising out of a civil dispute.

6. So far judgment of Supreme Court in **P. R.**

Murlidharan (supra) is concerned, para

19 is worth noting, which reads as under:

“19. A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

7. A plain reading of this para makes it clear that limited protection from the police can be claimed regarding life and liberty and not regarding the property etc. The Civil Court has not finally decided the matter. In the application preferred to police on 13th February, 2026, the appellant’s prayer is to provide police picketing for protection of the property as well as to allow him to repair damaged main gate and boundary wall. In our opinion, the writ court was not the right remedy and learned Single Judge has not committed any error of law in passing the impugned order. However, this order will not come in the way of the

appellants to file appropriate application before the jurisdictional civil court.

8. With the aforesaid observation, the appeal is **dismissed**. With the dismissal of the main appeal, the interlocutory application being CAN 1 of 2026 is also dismissed.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)