

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 6344 OF 2026

**KRISNENDU MAITY AND OTHERS
VS.
THE STATE OF WEST BENGAL AND OTHERS**

Mr. Goutam Kumar Thakur, Adv.
...for the Petitioners

Mr. Biplab Guha, Adv.
Mr. Subrata Bhattacharjee, Adv.
...for the State

Mr. SK Rejaul Alam, Adv.
...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioners, State respondents and private respondents.
3. It is submitted on behalf of the petitioners that they have right over the land in question and to assert the same a suit was instituted by the petitioners being T.S. No.505 of 2022, which is pending before the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur. It is also submitted that petitioners obtained an ad interim order of injunction thereby restraining the private respondents from disturbing peaceful possession of the plaintiffs/petitioners and from changing nature and character of the suit property.

4. It is further submitted on behalf of the petitioners that though *vide* order dated 23rd November, 2022 in T.S. No.505 of 2022 direction upon the police authorities was refused but by a subsequent order dated 8th February, 2023, concerned police authority was directed to do the needful.
5. Petitioners pray for issuance of mandamus directing the concerned police authorities to take steps which would ensure petitioners' right over the land in question and permitting the petitioners to enjoy possession of the land without any hindrance.
6. Learned advocates representing the State respondents and private respondents have opposed this writ petition.
7. It is submitted on behalf of the private respondents that for asserting right of the private respondents one title suit being T.S. No.574 of 2022 was instituted and same is pending before the Civil Court.
8. In addition thereto, it is also submitted that against the order dated 23rd November, 2022 one appeal being Misc. Appeal No.210 of 2022 was filed before the learned Additional District and Sessions Judge, Paschim Medinipur and same is still pending.
9. Learned advocate representing the State respondents has filed a communication dated 23rd March, 2026 of

Officer-in-Charge, Debra Police Station, Paschim Medinipur and same is taken on record.

10. On perusal of the said communication dated 23rd March, 2026, it appears that the suit instituted by the petitioners being T.S. No.505 of 2022 and the appeal being Misc Appeal No.210 of 2022 filed by the private respondents are still pending.
11. Moreover, it is submitted on behalf of the private respondents that another title suit being T.S. No.574 of 2022 is also pending which was instituted by the private respondents.
12. At this stage, if this Court directs the concerned police authorities to take steps to protect the right of the petitioners over the land in question, in that event, the proceedings which are pending before the Civil Court may become infructuous.
13. Hence, this Court is not inclined to interfere with this writ petition.
14. Writ petition stands dismissed.
15. However, this order shall not preclude the petitioners to approach the Civil Court in pursuit of remedy.
16. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)