

Form No. J.(2)
Item No. DL/21
adeb - AR (CT)
Ct. No. 05

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 6267 of 2026

Abdur Rahaman & Ors.

VS.

The State of West Bengal & Ors.

For the Petitioners	:	Mr. Partha Pratim Roy, Adv. Mr. Sarbananda Sanyal, Adv. Mr. Samrat Chakraborty, Adv. Mr. Saikat Gayen, Adv.
For the State-Respondents	:	Mr. Jayanta Samanta, Adv. Mr. Tamal Taru Panda, Adv.
For the respondent nos. 4 to 7:		Mr. Firdous Samim, Adv. Ms. Gopa Biswas, Adv. Mr. Mainak Ghosal, Adv. Mr. Rajosik Dutta, Adv.
Hearing concluded on	:	30.03.2026
Judgment on:	:	30.03.2026

SAUGATA BHATTACHARYYA, J:

1. Affidavit of service filed on behalf of the petitioners is taken on record.

2. Learned advocate representing the petitioners submits that on 30th July, 2025 an *ad interim* order of injunction was passed by learned Civil Judge (Jr. Division), Barasat, North 24 Parganas restraining the private respondents herein from grabbing the suit property and not to change the nature and character and from creating third party interest over the said property till 3rd September, 2025.
3. It is submitted by the learned advocate representing the petitioners that the order dated 30th July, 2025 is still subsisting.
4. According to the petitioners, in spite of the order passed on 30th July, 2025 private respondents were disturbing possession of the petitioners over the land in question which prompted the petitioners to file an application under Section 151 CPC and on the same application an order was passed on 8th January, 2026 directing Inspector-in-Charge, Duttapukur Police Station to render assistance to the writ petitioners/plaintiffs for implementation of the *ad interim* order of injunction dated 30th July, 2025.
5. It is submitted on behalf of the petitioners that in spite of direction by the Civil Court on 8th January, 2026 passed on application under Section 151 CPC, concerned authority of Duttapukur Police Station is not rendering assistance and

taking advantage of inaction of police authorities, private respondents are disturbing the possession of the petitioners over the land in question.

6. State respondents and respondent nos. 4 to 7 are represented by learned advocates.
7. It is submitted on behalf of private respondents that on this writ petition police authorities may not be directed to take steps for implementation of the order dated 30th July, 2025 rather petitioners are required to approach the Civil Court.
8. In this regard reliance is placed on the judgment of the coordinate bench reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. Vs. State of West Bengal & Ors.)**.
9. State respondents are represented by learned advocate who has submitted that based on the complaint lodged by the petitioners, an FIR has been registered being Duttapukur P.S. Case No. 181/2026 and steps have been taken by the police authorities in order to ensure compliance of the order passed by Civil Court on 30th July, 2025 qua 8th January, 2026.
10. If criminal proceeding is initiated by the police authorities being Duttapukur P.S. Case No. 181/2026, in that event concerned police authority is directed to take the same to its logical conclusion. Police authorities are also directed so long

order dated 8th January, 2026 remains necessary assistance shall be provided to the petitioners restraining the persons who are disturbing possession of the petitioners over the land in question.

11. Ratio of **Soumitra Bandopadhy** (supra) does not come in aid of the petitioners as the decision was rendered by the coordinate bench considering the nature of order passed by the Civil Court thereby directing the parties to maintain *status quo*. Coordinate bench in **Soumitra Bandopadhy** (supra) also relied upon a judgment of the Hon'ble **Supreme Court reported in (2006) 4 SCC 501 (P.R. Murlidharan vs. Swami Dharmendra Theertha Padar)**. In paragraph 19 of **P.R. Murlidharan** (supra) it was succinctly held that so called "police protection" has only a limited scope as and when the Court is approached for protection of rights declared by a decree or by an order passed by a Civil Court. The ambit of police protection 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. In **Soumitra Bandopadhy** (supra) situation was different in view of the nature of *ex parte* interim order passed by the civil court directing parties to maintain *status quo* but in contradistinction thereto, in the present case, on 30th July, 2025 civil court restrained private respondents

their men and agents from grabbing the entire suit property, changing nature and character and from creating any third party interest over the suit property for a particular period of time. Since said order was not adhered to an application under Section 151 of CPC was preferred by the petitioners being the plaintiffs and civil court directed the concerned police authority to render assistance to the plaintiffs for implementation of the order dated 30th July, 2025. There is no ambiguity in the *ad interim* order passed by the civil court, as a result whereof same needs to be implemented, if necessary, with the police help.

12. Writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)