

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

W.P.A. 6570 OF 2026

**ASHOK JANA AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**
.....

Mr. Bhaskar Chandra Manna, Adv.
Ms. Munmun Sett, Adv.
Ms. Moumita Biswas, Adv.
...for the Petitioners

Mr. Tanmoy Kumar Ghosh, Sr. G. A.
Ms. Ghazala Firdous, Adv.
...for the State

Mr. Ayan Banerjee, Adv.
Mr. A. Chowdhury, Adv.
...for the Respondent No.7

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioners apprehending demolition of their accommodation where they are running business have approached this Court with the present writ petition seeking direction upon the concerned police authorities to take steps which would protect the interest of the petitioners.
3. It is submitted on behalf of the petitioners that they are tenants in respect of part of a cinema hall and utilizing that part of the cinema hall they are presently running business which may not be disturbed by demolishing the same.
4. Mr. Ayan Banerjee, learned advocate representing the respondent no.7 has opposed this writ petition on the

score that respondent no.7 was the owner of a cinema hall which was demolished and it is decided that a new complex will come up on that land by taking necessary steps. It is further submitted that though part of the cinema hall where petitioners had occupation is already demolished but making unauthorized construction at another part of the land in question petitioners are presently running their business.

5. According to the respondent no.7, in a roundabout manner petitioners are praying for direction upon the police authorities to preserve such unauthorized construction made by them on the land in question.
6. State respondents are represented by learned advocate who submits that the issue involved in this writ petition is civil in nature and as such petitioners are required to approach appropriate forum in pursuit of remedy.
7. Having considered the respective submissions made on behalf of the parties, Court finds that in this writ petition nature of alleged construction made by the petitioners for running their business ought not to be decided. If petitioners apprehend that in future their business would be at stake due to steps to be taken by the respondent no.7, in that event, they are required to approach the appropriate forum seeking relief.

8. Based on the case made out in this writ petition, Court is not inclined to direct the police authorities which would preserve the construction made by the petitioners for running their business.
9. Hence, no relief can be granted on this writ petition.
10. Writ petition stands dismissed.
11. However, this order shall not preclude the petitioners to take steps, in accordance with law.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)