

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 6574 of 2026

Moshid Ali Gazi & Ors.
–Versus –

**The State of West through
the Additional Chief Secretary,
Home (Police),
Government of West Bengal & Others**

Mr. Q.A.M. Firoz
Ms. Torsa Min Bahar
.....for the petitioners

Mr. Vimal Kumar Shahi, Ld. AGP
Ms. Susmita Chatterjee
.....for the State respondents

Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Roy
Mrs. Madhumita Sadhukhan
.....for the respondent nos. 5-18

- 1) Affidavit of service filed on behalf of the petitioners is taken on record.
- 2) Learned advocate representing the petitioners submits that in spite of *ad interim* order of injunction passed on 24th December, 2025 (for short, “said order”) by the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas in Title Suit No. 1269 of 2025 (hereinafter referred to as “said Title Suit”) said order is being violated by private respondents by making construction over a portion of the suit land. It is

submitted that subsequently an application under section 151 of the Code of Civil Procedure was taken out by the petitioners alleging violation of said order and Civil Court by passing order dated 7th January, 2026 directed the concerned police authority to take necessary steps for implementing said order. It is contended on behalf of the petitioners that in spite of said order and order dated 7th January, 2026 passed by the Civil Court in said Title Suit private respondents are making construction over the suit land.

3) State respondents and private respondents are represented by learned advocates.

4) Learned advocate representing the private respondents has disputed the submission made on behalf of the petitioners and it is submitted that an application under order XXXIX Rule 4 of the Code of Civil Procedure, 1908 was taken out by the private respondents for vacating said order and same is pending before the Civil Court. It is also submitted that a case was made out in application under order XXXIX Rule 4 seeking vacation of said order that suppressing material fact said Title Suit was filed by the petitioners.

5) Learned Additional Government Pleader representing the State respondents has filed a communication dated 28th March, 2026 of Officer-in-Charge of Baduria Police Station, Basirhat Police District, North 24 Parganas and same is taken on record. Copies of said communication dated 28th

March, 2026 are made over to learned advocates representing the petitioners and private respondents.

6) It is disclosed in said communication that there are parallel criminal prosecutions pending against the petitioners and private respondents and steps were taken by the concerned police authority to maintain peace and tranquility.

7) However, mere taking steps to maintain peace and tranquility in the present case would not suffice since said order was passed by the Civil Court restraining private respondents being defendants in said Title Suit from obstructing, dispossessing, transferring, constructing and changing the nature and character of the suit property as mentioned in the schedule of the plaint/injunction application till 7th February, 2026. It is submitted that said order till subsists. In addition thereto, alleging violation of said order an application under section 151 of the Code of Civil Procedure was taken out by the petitioners wherein Civil Court directed the police authority to implement said order. Therefore considering the nature of order passed by the Civil Court at the interim stage in said Title Suit, it can be construed that not finally but at interim stage right of the petitioners was protected by restraining private respondents being defendants therein from taking certain steps. It also appears that subsequently by order of Civil Court in consideration of an application under section 151 of the Code of Civil Procedure

concerned police authority was directed to implement said order.

8) In aforesaid conspectus, Officer-in-Charge of Baduria Police Station, North 24 Parganas being respondent no. 3 is directed to take steps in terms of said order and order dated 7th January, 2026 passed by the Civil Court, if those orders are not vacated.

9) With the aforesaid directions, writ petition stands disposed of.

10) There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)