

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

W.P.A. 8111 OF 2026

**PRATIVA KARAK AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**

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Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Neil Basu, Adv.
Mr. Sankha Biswas, Adv.
Ms. Oindrilla Sarkar, Adv.
Mr. Avidipta Paul, Adv.
...for the Petitioners

Mr. Sadhan Kumar Halder, Adv.
Ms. Saira Banu, Adv.
...for the State

Mr. Sujay Bandyopadhyay, Adv.
Mr. Jagajyoti Das, Adv.
...for the Respondent No.8

Mr. R. Mahato, Adv.
Mr. A.S. Ray, 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, respondent no.8 and private respondents.
3. Mr. Debabrata Saha Roy, learned Senior Advocate representing the petitioners submits that on the land of the petitioners unauthorizedly Chairman of Midnapore Municipality being respondent no.8 is constructing boundary wall which prompted the petitioner to approach this Court with the present writ petition praying for direction upon the concerned police authority which would result in stoppage of construction

of the said boundary wall. It is further submitted that the land in question is owned by the petitioners.

4. Learned advocates representing the respondent no.8 and private respondents have jointly disputed the submission made on behalf of the petitioners. It is also submitted that the land is being used as playground for decades.
5. It is submitted on behalf of the private respondents that a title suit being T.S. No.604 of 2023 was instituted by the petitioners which is pending before the learned Civil Judge (Junior Division), 2nd Court, Paschim Medinipur. It is also contended that petitioner's application seeking ad interim order of injunction was rejected by the Civil Court.
6. Learned advocate representing the State respondents has filed a communication dated 9th April, 2026 of Inspector-in-Charge, Kotwali Police Station, Paschim Medinipur and same is taken on record. Copy of the said communication dated 9th April, 2026 is made over to the learned advocates representing the petitioners, respondent no.8 and private respondents.
7. On hearing the learned advocates representing the parties, it appears that the issue involved in this writ petition is civil in nature requiring the petitioners to get the issue adjudicated by the Civil Court.

8. Title Suit being T.S. No.604 of 2023 instituted at the instance of the petitioners is pending before the Civil Court. Therefore, at this stage, giving direction upon the concerned police authority thereby preventing the respondent no.8 to erect boundary wall on the land in question may impact the proceeding pending before the Civil Court.
9. Police authority is not the appropriate authority to decide *inter se* right of the parties over the land in question.
10. However, concerned police authorities are directed to maintain peace and tranquility at the locale and keep vigil.
11. Petitioners shall be at liberty to approach the Civil Court in pursuit of remedy.
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.)