

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

W.P.A. 8108 OF 2026

JYOTI PRAKASH ROY
VS.
THE STATE OF WEST BENGAL AND OTHERS

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Mr. Asit Kumar Bhattacharya, Adv.
...for the Petitioner

Mr. Avirup Mondal, Adv.
Mrs. Tithi Paul, Adv.
...for the State

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Akash Adak, Adv.
...for the Private Respondents

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits that an *ex-parte* ad interim order was obtained on 17th November, 2021 by the petitioner being the plaintiff in Title Suit No.1185 of 2021 whereby parties were directed to maintain *status quo* with regard to the suit property in question for a limited period.
3. It is further submitted on behalf of the petitioner that in spite of such order dated 17th November, 2021 passed by learned Civil Judge (Junior Division), 5th Court, Howrah, private respondents are disturbing petitioner’s peaceful possession of the property in question prompting the petitioner to approach this Court with the present writ petition seeking direction upon the concerned police authorities which would facilitate the petitioner to enjoy peaceful possession over the property in question.

4. Mr. Nilanjan Bhattacharjee, learned Senior Advocate representing the private respondents has disputed the submission made on behalf of the petitioner and further submits that for implementation of the ad interim order dated 17th November, 2021 passed by the Civil Court, an application was taken out by the petitioner under Section 151 of C.P.C. which is pending before the Civil Court.
5. State respondents are represented by learned advocate who has also opposed this writ petition and it is submitted that issue involved in this writ petition is civil in nature requiring the parties to approach appropriate forum.
6. Having considered the respective submissions made on behalf of the parties, it appears that petitioner in effect has prayed for implementation of the *ex-parte* ad interim order dated 17th November, 2021 passed by the Civil Court by seeking direction upon the concerned police authorities. However, it is disclosed on behalf of the private respondents that for implementation of the order dated 17th November, 2021, one application under Section 151 C.P.C. is taken out by the petitioner and same is pending before the Civil Court.
7. In view of aforesaid scenario, this Court is not inclined to interfere with this writ petition and same stands dismissed.

8. However, this order shall not preclude the petitioner to pursue his remedy before the Civil Court in connection with the pending suit and application filed therein.
9. Since no affidavit is called for, allegations contained in this writ petition are not deemed to have been admitted.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)