

WPA 8781 of 2026

**Mala Sett & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Kartick Kr. Bhattacharya
Mr. Soumashree Dutta
Ms. Papiya Naskar
...for the petitioners

Ms. Sucharita Roy (Bhattacharya)
Mr. SM Samim Ullah
...for the State
Mr. Haradhan Banerjee
Mr. Amitava Pan
Mr. P.P. Mukhopadhyay
...for the respondent no. 4

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners submits that a dispute arose between the petitioners and private respondent who is landlady, being respondent no. 4, relating to erection of fencing. It is submitted on behalf of the petitioners that since the shop is under the occupation of petitioners, respondent no. 4 ought not to be permitted to erect fencing.
3. State respondents are also represented by learned advocate.
4. Learned advocate representing respondent no. 4 has disputed the submission made on behalf

of the petitioners and it is submitted that Title Suit being No. 205 of 2026 was instituted by the respondent no. 4 and in connection therewith an *ex parte ad interim* injunction was passed on 18th February, 2026 thereby restraining the defendants from taking and using water from a particular water tap which is available within the A schedule property.

5. Be that as it may, police authority is not the appropriate authority to decide *inter se* right of the parties over the shop room in question. It is found a title suit is pending before the Civil Court. Party shall be at liberty to approach the Civil Court in pursuit of their remedy.
6. However, concerned police authority is directed to maintain peace and tranquility at the locale and keep vigil.
7. Writ petition stands disposed of.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)