

May 21, 2026
Sl. No.21
Court No.1
s.biswas

MAT 797 of 2026
With
CAN 1 of 2026

Shahidul Molla @ Sahidul Molla and others
vs.
The State of West Bengal and others

Mr. Anirban Mitra
Mr. Amit Halder

... for the appellants

Mr. Mr. Q.A.M. Firoz
Ms. Torsa Min Bahar

... for the private respondents

Dictated by Partha Sarathi Sen, J.

1. In this intra-court appeal, the order dated 16.04.2026 as passed by a learned Single Bench of this court in WPA 6574 of 2026 is impugned.
2. By the impugned order, the learned Single Bench while disposing of the said writ petition, directed the Officer-in-Charge of Baduria Police Station, District North 24 Parganas to take appropriate steps in terms of the order dated 07.01.2026 passed by the learned Civil Judge (Senior Divison), Basirhat, North 24 Parganas in Title Suit No.1269 of 2025.

3. In course of hearing, Mr. Mitra, learned counsel appearing on behalf of the appellants herein/private respondents in WPA 6574 of 2026, submits before this court that the learned Single Bench ought not to have passed the impugned order thereby allowing such writ petition especially when it is the specific case of the appellants/private respondents in the said writ petition that the injunction as passed by the learned Trial Court on 24.12.2025 was obtained by suppression of material facts. It is submitted that before the learned Single Bench sufficient materials have been placed that even the petition under Section 151 of the CPC as filed by the writ petitioner/plaintiff was also filed by suppressing the material facts which the learned Single Bench has failed to visualize.

4. It is thus submitted by Mr. Mitra that there cannot be any justification on the part of the learned Single Bench of this court to direct the concerned Officer-in-

Charge of the jurisdictional police station to see that the order of injunction as passed by the learned Trial Court on 24.12.2025 and the subsequent order dated 07.01.2026, are duly complied with.

5. We have meticulously gone through the entire materials including the impugned order as placed before us. We have given due consideration of the submission of Mr. Mitra, learned counsel for the appellants/private respondents in the writ petition.
6. It appears to us that the learned Trial Court i.e. the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas in Title Suit No.1269 of 2025 passed an ad interim order of injunction on 24.12.2025. In the said suit, the plaintiff has also approached the said Trial Court by filing an application under Section 151 of the CPC with a prayer directing the police authority for implementation of the said order of injunction. Materials have been placed before us that alleging suppression

of material facts in obtaining ad interim order of injunction, the defendants who are the appellants before us have filed an application under Order 39 Rule 4 of the Code of Civil Procedure for variation and/or discharge and/or setting aside of the order of injunction. Admittedly, the said application under Order 39 Rule 4 as filed by the defendants/appellants herein has not been disposed of by the Trial Court.

7. We have also noticed that while passing the impugned order dated 16.04.2026, the learned Single Bench has duly considered all such factual position and thus passed the order impugned directing the police authorities to see that the order(s) passed by the learned Civil Judge (Senior Division), Basirhat, North 24 Pargans in Title Suit No.1269 of 2025 is/are duly implemented till those orders are not vacated.

8. We have also noticed that while passing the impugned order, learned Single Bench

however did not observe anything on merit of the application under Order 39 Rule 1 and 2 and/or the application under Order 39 Rule 4 of the CPC.

9. In considered view of this court, the view taken by the learned Single Bench while passing the impugned order dated 16.04.2026, is quite plausible one and thus requires no interference from our side.

10. With the aforesaid observation, the instant appeal is disposed of. With the disposal of the instant appeal, the pending interlocutory application being CAN 1 of 2026 is also disposed of.

11. Before parting with, it is however directed that learned Civil Judge (Senior Division), Basirhat, North 24 Parganas shall dispose of the petition under Order 39 Rule 4 of the CPC as filed by the appellants herein in Title Suit No.1269 of 2025 positively within four weeks from the date of communication of the server copy of this order. The said court is further directed to

grant liberty to the plaintiffs therein to file their writ objection against the application under Order 39 Rule 4 of the CPC within two weeks from the date of communication of the server copy of the order.

12.The timeline as fixed by the court is peremptory and mandatory.

13.It is further made clear that the observation made herein is purely limited for the disposal of the instant appeal and the learned Trial Court is directed not to persuade himself with any of our observation while disposing of the petition under Order 39 Rule 4 as well as petition under Order 39 Rule 1 and 2 of the CPC.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)