

20.01.2026
rc/ct.no.05
Item No.43

WPA No. 11131 of 2024
Laltu Das
Versus
The State of West Bengal & Ors.

Mr. Avijit Ganguly
Ms. Swapna Roy ..for the Petitioner

Mr. Suman Ghosh
Ms. Munmun Tewarifor the State

Mr. Priyankar Ganguly
Mr. Shalini Bairagi
Ms. Pipasa Chakraborty
....for the private respondent

Affidavit of service, supplementary affidavit filed by the petitioner and report submitted by the State are taken on record.

Learned counsel for the petitioner submits that the private respondents have been disturbing the possession of the petitioner in the property in question which belongs to him for which he filed a title suit being T.S.No. 127 of 2024 against the private respondents. Learned trial court initially granted an order of ad interim injunction in favour of the petitioner directing the respondents not to disturb his peaceful possession in the property. Subsequently in a contested hearing, the injunction application was allowed directing both the parties to maintain status quo in respect of the possession and character of the property till disposal of

the suit and further directing that no construction would be raised in the property in the meantime. The petitioner alleges that despite such order, the private respondents are continuing to disturb his peaceful possession in the property in connivance with the police authority.

Denying such allegation, learned counsel for the private respondents submits that the dispute between the parties is civil in nature and it is for the civil court to decide the same.

Learned counsel for the State denies the alleged connivance of the police and the private respondents and submits that the said allegation has not found place in the writ petition or the supplementary affidavit filed by the petitioner. Learned counsel submits that pursuant to the complaints lodged by the petitioner, several proceedings have been initiated and prosecution submitted.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the dispute between the parties is civil in nature. The petitioner is at liberty to ventilate his grievance before the learned trial Court. Since the parties are enjoying an order of status quo granted by the learned trial Court in an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure upon hearing both the parties, the police authority shall

take necessary steps to ensure that the said order is not violated by any of the parties. The police authority shall also maintain strict vigil in the area in order to avoid any untoward incident in view of the strained relationship between the parties and shall ensure maintenance of peace and tranquility. The police authority shall render necessary assistance to the petitioner as and when sought.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)