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rkd 17.06.2026
Ct.05

W.P.A. 11409 of 2026

Sattar Mallick

-vs-

The State of West Bengal & Ors.

Md. Y. Mondal,
Mr. R. K. Sah

....for the petitioner.

Mr. Soumyadeep Biswas

....for the respondent nos.7 & 8.

Mr. Suryaneel Das,
Ms. Anita Kundu,
Ms. Sumita Sarkar

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits that a Title Suit being No.139 of 2019 was instituted by the respondent nos.7 & 8 and on contest said suit was dismissed by civil court vide order dated 22nd April, 2026.
3. In spite of dismissal of the suit petitioner is being obstructed by the respondent nos.7 & 8 being plaintiffs in the aforesaid suit in enjoying peaceful possession of the scheduled land in the said suit.
4. A complaint was lodged before the Superintendent of Police, Nadia on 28th April, 2026 for facilitating the petitioner to enjoy possession of the scheduled land in the said suit.
5. It is contended on behalf of the petitioner that no steps have been taken by the concerned police

authorities ensuring right of the petitioner in connection with the land in question prompting the petitioner to approach this Court with the present writ petition seeking direction upon the concerned police authorities.

6. State respondents and respondent nos.7 & 8 are represented by learned advocates.
7. It is submitted on behalf of the respondent nos.7 & 8 that those respondents being the plaintiffs in the aforesaid suit are contemplating to prefer an appeal against the order of the civil court dated 22nd April, 2026 whereby aforesaid Title Suit was dismissed. However, fact remains till date appeal is not preferred.
8. It appears from the case made out in the writ petition and taking note of the order passed by the civil court on 22nd April, 2026 dismissing Title Suit No.139 of 2019 instituted by respondent nos.7 & 8 that unless order dated 22nd April, 2026 is set aside in the appeal respondent nos.7 & 8 being plaintiffs therein do not have right over the suit land.
9. By virtue of the order dated 22nd April, 2026 right of the petitioner being defendant in Title Suit No.139 of 2019 is finally decided and as on date there is no appeal preferred by the respondent nos. 7 & 8.
10. In above conspectus, this Court would find it apt to

rely upon judgment of a coordinate Bench, reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. vs. State of West Bengal & Ors.)**.

11. It was decided in **Soumitra Bandopadhyaya** (supra) if right of the parties in a civil proceeding is not finally decided or at the interim stage, direction upon the concerned police authorities for securing right of the parties over the suit property is not warranted.
12. But in the present case situation is different as Title Suit preferred by the respondent nos.7 & 8 was dismissed vide order dated 22nd April, 2026.
13. As long as order dated 22nd April, 2026 remains in force, concerned police authorities are directed to take necessary steps for ensuring right of the petitioner over the land in question.
14. Steps shall also be taken by the concerned police authorities within the period of fortnight from the date of communication of this order which would permit the petitioner to enjoy the possession of the suit land.
15. Writ petition stands disposed of.
16. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)