

35 09.06.2026
rkd Ct.05

W.P.A. 11900 of 2026

Arabinda Kar & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Manojit Pal

....for the petitioners.

Mr. Manoranjan Jana,
Ms. Mitali Jana

....for the private respondents.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners submits that in spite of an *ex parte* ad interim order dated 22nd February, 2017 passed in Title Suit No.54 of 2017 by civil court, concerned police authority did not take appropriate steps to protect the right of the petitioners over the property in question compelling the petitioners to approach this Court with the present writ petition seeking direction upon the police authorities to take steps.
3. Prayer is made in this writ petition for directing the concerned police authority to take steps which would ensure right of the petitioners over the property in question.
4. Learned advocate representing the respondent nos.4 to 6 has opposed this writ petition since the issue involved in this writ petition is civil in nature and due to pendency of the partition suit i.e. Title

Suit No.54 of 2017 before the civil court right of the parties is yet to be decided.

5. Having considered the *ex parte* ad interim order dated 22nd February, 2017, it appears that civil court directed plaintiff and defendant no.1 to maintain *status quo* with respect to nature and character of suit property for a satisfied period.
6. However, in the order dated 22nd February, 2017 right of the parties over the property in question was not described and even at the interim stage right of the petitioners was not crystallized.
7. In this regard, reliance is placed on the judgment of a coordinate Bench, reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. vs. State of West Bengal & Ors.)**.
8. In view of aforesaid discussion, no relief can be granted to the petitioners.
9. Writ petition stands dismissed.
10. However, this order shall not preclude the petitioners to approach the civil court in pursuit of remedy.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)