

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**Present:**

**The Hon'ble Justice Saugata Bhattacharyya**

**WPA 11843 of 2025**

**Smt. Bharati Ruidas  
Vs.  
The State of West Bengal & Ors.**

For the Petitioner : Mr. Naimul Islam, Advocate  
Mr. Mizanur Rahaman, Advocate  
Mr. Karnab Biswas, Advocate

For the State : Mr. Ashim Kumar Ganguly, Advocate  
Mr. Tarak Karan, Advocate

Heard on : **06.04.2026**

Judgment on : **06.04.2026**

**SAUGATA BHATTACHARYYA, J.:-**

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned Advocate representing the petitioner submits that concerned police authority is required to take steps for implementing order dated 16th January, 2023 passed on an application under Section 151 of Code of Civil Procedure in connection with Title Suit No.1307 of 2017 filed by the petitioner.

3. It is further submitted that an ad interim order of injunction was passed on 15th September, 2022 by the civil court directing parties to the suit to maintain peaceful possession of their respective suit property and not to disturb and interfere with peaceful possession of the plaintiff and not to change nature, character and possession of the schedule mentioned property.
4. It is submitted that in consideration of these two orders one dated 15th September, 2022 and another dated 16th January, 2023 directing the concerned police authority to take steps to implement the ad interim order of injunction dated 15th September, 2022, the concerned police authority is required to take necessary steps for implementation of the order dated 15th September, 2022.
5. State respondents are represented by learned advocate who has filed a communication dated 14th July, 2025 of Inspector-in-Charge, Baruipur Police Station, South 24 Parganas and same is taken on record. Copy of the said communication dated 14th July, 2025 is made over to the learned advocate representing the petitioner.
6. It is disclosed in the communication dated 14th July, 2025 that based on the complaint of the petitioner, criminal prosecution being Baruipur Police Station Case No.652 of 2025 dated 7th April, 2025 was initiated and charge sheet being Baruipur Police Station Charge Sheet No.960 of 2025 dated 31st May, 2025 was submitted.

7. The prayer of the petitioner for implementation of the ad interim order of injunction dated 15th September, 2022 passed in Title Suit No.1307 of 2017 is considered and it is found that the civil court directed parties to maintain peaceful possession of their respective suit property and not to disturb and interfere the peaceful possession of the plaintiff and not to change nature, character and possession of the schedule mentioned property without describing which part of the suit property was under possession of the petitioner. Unless and until possession of the petitioner is clearly demarcated in the order of the civil court, it appears right of the parties emanating from the order dated 15th September, 2022 is not crystallized.
8. 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.)**. The coordinate Bench while deciding the writ petition relied upon judgment of the Hon'ble Supreme Court, reported in **(2006) 4 SCC 501 (P.R. Murlidharan v. Swami Dharmendra Theertha Padar)**.
9. It was succinctly decided by the Hon'ble Supreme Court in **P.R. Murlidharan** (*supra*) that police protection has only a limited scope, as and when the Court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil

court or at least at the interlocutory stage in an unambiguous manner and that has to be in furtherance of the decree or order.

10. In the present case, since part of the suit property possession whereof by the petitioner was not clearly demarcated, no relief can be granted to the petitioner.
11. **WPA 11843 of 2025** stands **dismissed**.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**