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rkd 25.06.2026
Ct.05

W.P.A. 12983 of 2026

Srimatya Shikha Mandal & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Amit Ranjan Pati,
Ms Swastika Chowdhury,
Mr. Sourav Gupta,
Ms. Ilika Naga,
Mr. Arijit Chatterje

....for the petitioners.

Mr. Sk. Toslim Ali

....for the respondent nos.6 to 10.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee

....for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners prays for direction upon the concerned police authorities which would permit the petitioners to construct boundary wall on their land in consideration of the orders dated 15th May, 2026 and 2nd June, 2026 passed by the civil court in Title Suit No.88/2026.
3. According to the petitioners, considering nature of directions contained in the aforesaid two orders one dated 15th May, 2026 and another dated 2nd June, 2026, police authorities ought to have taken steps to facilitate construction of boundary wall. It

is also submitted that ex parte ad interim order of injunction dated 15th May, 2026 was subsequently extended.

4. Respondent nos.6 to 10 and State respondents are represented by learned advocates.
5. Civil court passed ex parte ad interim order of injunction for a limited period on 15th May, 2026 thereby directing the defendants not to change nature and character of the suit scheduled property and not to create obstruction regarding peaceful possession of the plaintiffs over the suit property.
6. According to the petitioners, they were obstructed by the private respondents while raising boundary wall after ex parte ad interim order of injunction passed by the civil court on 15th May, 2026 and an application under Section 151 of Code of Civil Procedure was moved wherein further direction was passed by the civil court directing concerned police authorities to render necessary help to the party for effective implementation of ex parte ad interim order of injunction dated 15th May, 2026.
7. On perusal of those two orders dated 15th May,

2026 and 2nd June, 2026 of civil court, it is found that order dated 15th May, 2026 was an ex parte ad interim order of injunction for a limited period thereby directing the defendants not to change nature and character of said suit scheduled property and not to create obstruction which would hinder peaceful possession of the plaintiffs over the said suit property.

8. Vide subsequent order dated 2nd June, 2026 passed on one application under Section 151 of CPC there was direction upon the concerned police authorities for implementation of the order dated 15th May, 2026. However, in the order dated 15th May, 2026 it was not clarified by the civil court that plaintiffs being the petitioners herein are permitted to raise construction.
9. Therefore, it can be deduced from the order passed on 15th May, 2026 that right of the petitioners being plaintiffs therein to raise construction was not crystallized on the strength of said order dated 15th May, 2026 thereby conferring right upon the petitioners to approach High Court invoking writ jurisdiction under Article 226 of the Constitution of India praying for

implementation of the said order.

10. Hence, Court is not inclined to interfere with the writ petition and same stands dismissed.

11. However, this order shall not preclude the petitioners to approach civil court in pursuit of remedy.

12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)