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rkd 01.07.2026
Ct.05

W.P.A. 13113 of 2026

Samjed Mallick @ Samjed Ali Mallick

-vs-

The State of West Bengal & Ors.

Md. Nure Zaman

....for the petitioner.

Mr. Suryaneel Das,
Ms. Suchitra Sinha Chatterjee

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition, *inter alia*, petitioner prays for direction upon the concerned police authorities for taking steps for implementation of the order passed by the civil court dated 19th December, 2024 and subsequent order dated 18th August, 2025 passed in Title Suit No.242 of 2024 instituted by the petitioner.
3. It is submitted that in spite of specific direction passed by the civil court in the order dated 18th August, 2025, same is not complied with.
4. State respondents are represented by learned advocates.
5. In order to examine the case made out in this writ petition, Court needs to consider both the orders passed by the civil court, one dated 19th

December, 2024 and another dated 18th August, 2025.

6. Order dated 19th December, 2024 is an ex parte ad interim order of injunction thereby directing the parties to the suit to maintain *status quo* in respect of nature, character and possession of the suit property.
7. Alleging violation of this order dated 19th December, 2024 an application under Section 151 of Code of Civil Procedure was taken out and on 18th August, 2025 civil court directed concerned police authorities to ensure that nature and character of the suit property is not changed by any of the parties except repairing works.
8. First order dated 19th December, 2024 being an ex parte ad interim order of injunction for a limited period wherein civil court directed the parties to the suit to maintain status quo without defining respective rights of the parties over the suit property.
9. It can be inferred that based on such order dated 19th December, 2024 even at the interim stage right of the petitioner over the suit property is not crystallized.

10. In this regard, reliance is placed on the judgment of the coordinate Bench, reported in ***2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. -vs- State of West Bengal & Ors.)***.
11. Considering the nature of order passed by the civil court on 19th December, 2024, relief sought for in this writ petition cannot be granted.
12. Hence, writ petition stands dismissed.
13. However, this order shall not preclude the petitioner to approach civil court in pursuit of remedy.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)