

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 13528 of 2026**

Phajila Bibi & Anr.  
-versus  
The State of West Bengal & Ors.

Mr. Aviroop Bhattacharya  
... For the petitioners

Mr. Suryaneel Das, Id. AGP  
Ms. Anita Kundu  
Ms. Sumita Sarkar  
... For the State

Mr. Atis Kumar Biswas  
Ms. Jyoti Agarwal  
... For the respondents

1. Matter is heard in presence of learned advocates representing petitioners, State respondents and private respondents.

2. It is submitted by petitioners that at the time of erecting fence around the land of the petitioners, petitioners were obstructed by private respondents and they were assaulted. Petitioners lodged complaint before the concerned police authorities but it is submitted that no steps were taken by concerned police authorities on receipt of such complaint. Petitioners pray for necessary direction which would enable petitioners to erect fence around the land in question.

3. Learned advocate representing private respondents submits that the land in question is unpartitioned land and in connection therewith, a suit

is pending, being Title Suit No.191 of 2025. Private respondents lay claim over the land in question on which petitioners attempted to erect fence.

4. State respondents are represented by Mr. Suryaneel Das, learned Additional Government Pleader.

5. Having considered respective submissions made on behalf of the parties, it appears that right of the petitioners over the land in question is disputed by private respondents and in this regard suit is pending before the civil Court. In the event petitioners are obstructed by private respondents in erecting fence, petitioners are required to approach civil Court in pursuit of remedy. Police authority is not the appropriate authority to decide *inter se* right of the parties over the land in question.

6. It also appears that petitioners have not disclosed pendency of Title Suit No.191 of 2025 before the civil Court though petitioner no.2 is defendant to the suit.

7. Hence, no relief can be granted to petitioners and the writ petition stands dismissed.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

**(Saugata Bhattacharyya, J.)**