

54
(DL)

24.06.2026

Court No. 05
(Suvendu /Arpan)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 13533 of 2026

Badrunnisha

-Versus -

The State of West Bengal & Ors.

Mr. Suman Sengupta
Mr. Shomdutta Bhattacharjee
Ms. Liza Chatterjee
Ms. Sweta Sharma
Ms. Nafisha Khatun

....for the petitioner

Mr. Partha Chakraborty

....for the State respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. In spite of service of notice, respondent nos. 5 to 8 are not represented.
3. Learned advocate representing the petitioner submits that though petitioner has right to run shop room in question for her livelihood but respondent nos. 5 to 8 are obstructing the petitioner from running said shop room prompting the petitioner to approach this Court with the present writ petition.
4. In support of the case made out in this writ petition, reliance is placed on *ad interim* order dated 9th

June, 2026 passed by civil court in Title Suit No. 681 of 2026. It is contended that when civil court on an application in connection with aforesaid suit directed the parties to maintain *status quo* in respect of nature, character and respective possession of the suit shop room, concerned police authorities in terms of said order dated 9th June, 2026 is required to provide assistance which would enable the petitioner to run shop room in question.

5. State respondents are represented by Mr. Chakraborty, learned advocate who has filed a communication dated 21st June, 2026 of Officer-in-Charge, Tollygunge Police Station and same is taken on record.

6. On perusal of the order of civil court dated 9th June, 2026, it appears that this is an *ex parte ad interim* order directing the parties to maintain *status quo* without defining the right of the parties on the date said order was passed.

7. Placing reliance on the judgment of a coordinate Bench reported in **2016 SCC OnLine Cal 2683 (Sri Soumitra Bandopadhyaya & Anr. Vs. State of West Bengal & Ors.)**, it can be safely inferred unless right of the parties in a suit is decided finally or at the interim stage prayer for police assistance considering the order passed by the civil court ought not to be entertained.

8. In the present case, order dated 9th June, 2026 is an *ex parte ad interim* order directing the parties to maintain status quo, based on which concerned police authorities ought not to be directed to provide assistance to the petitioner.

9. Hence, prayer of the petitioner for providing police assistance pursuant to the order of civil court dated 9th June, 2026 is negated.

10. Writ petition stands disposed of.

11. However, concerned police authority is directed to maintain peace and tranquility in and around the shop room in question and see that no untoward incident takes place.

12. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)