

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 14185 OF 2026

SK. RAZA AND OTHERS
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Amitabha Ghosh, Adv.
Ms. Arpita Paul Biswas, Adv. ...For the Petitioners
Ms. Suchitra Sinha Chatterjee, Adv. ...For the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Learned advocate representing the petitioners submits unauthorized construction of a toilet which choked sewage flow at the premises in question caused disturbance between petitioners and private respondents as a result whereof a complaint was lodged on 5th June, 2026 with the concerned police authorities. It is also submitted that Ejectment Suit being no.153 of 2021 and Title Suit being no.1308 of 2021 are pending before the Civil Court where petitioners and private respondents are parties.
3. Another contention of the petitioners is that a lady was arrested in connection with the aforesaid dispute between petitioners and private respondents without following norms.
4. Petitioners pray for direction upon the concerned police authorities to take steps in order to defuse tension between petitioners and private respondents concerning unauthorized construction of the toilet at the premises in question.

5. Learned advocate representing the State respondents has filed a communication dated 3rd July, 2026 of Officer-in-Charge, Nadial Police Station, Kolkata and same is taken on record. Copy of the said communication dated 3rd July, 2026 is made over to the learned advocate representing the petitioners.
6. It is disclosed in the said communication dated 3rd July, 2026 that based on complaint of one Riya Manna being respondent no.9 lodged against one Reshma Parveen @ Simran FIR was registered and a case was started being Nadial P.S. Case No.86 dated 26th May, 2026 under certain provisions of Bharatiya Nyaya Sanhita, 2023. In connection with the aforesaid criminal prosecution, Reshma Parveen @ Simran was arrested on 26th May, 2026 in presence of one lady constable and thereafter she was released on bail on the same day.
7. On the contrary, based on the complaint of the petitioner a separate criminal prosecution being Nadial P.S. Case No.123 dated 2nd July, 2026 was initiated under certain provisions of Bharatiya Nyaya Sanhita, 2023 and investigation has commenced.
8. Since there are two parallel proceedings exist as on date based on complaint and counter-complaint of the petitioners and respondent no.9, concerned police authorities are directed to take necessary steps for taking those criminal prosecutions to logical conclusion by submitting report before the jurisdictional Magistrate.
9. A case is attempted to be made out in this writ petition on behalf of the petitioners that a lady was arrested without following norms but surprisingly,

that lady (Reshma Parveen @ Simran) is not the petitioner in the present writ petition though she was released on bail on 26th May, 2026.

10. If violating norms said Reshma Parveen @ Simran was arrested by the concerned police authority in connection with Nadial P.S. Case No.86 dated 26th May, 2026, in that event, she ought to have approached this Court.
11. It is also found that two suits are pending between petitioners and private respondents and a dispute cropped up due to alleged unauthorized construction of a toilet at the premises in question.
12. If petitioners are aggrieved by unauthorized construction of toilet, in that event, petitioners are required to approach appropriate forum seeking relief; police authority is not the appropriate authority to decide whether the said construction is authorized or not.
13. However, concerned police authorities are directed to maintain peace and tranquility at the locale and to see no untoward incident takes place.
14. Writ petition stands disposed of.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)