

W.P.A. 16878 of 2025
IA No. CAN 1 of 2025

Susanta Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Jagannath Ganguly
...for the petitioner
Mr. Atis Kumar Biswas
...for the KMC

Mr. Sundar Gopal Bhattacharyya
...for the respondent nos. 8 & 9

1. Matter is heard in presence of the learned advocates representing the petitioner, Kolkata Municipal Corporation and respondent nos. 8 & 9.
2. Learned advocate representing the petitioner appears on virtual mode and submits that an *ad interim* order of injunction was passed by learned Civil Judge (Sr. Division), Sealdah on 11th February, 2021 in title suit being T.S. No. 16 of 2024 which was made absolute on 20th September, 2024. It is submitted that in spite of such orders passed by the Civil Court private respondents being the defendants in the suit are taking steps in contravention to the directions as contained in the said order dated 11th February, 2021.
3. It is jointly submitted by the learned advocates representing the private respondents and Kolkata

Municipal Corporation that the issue involved in this writ petition is civil in nature requiring the petitioner to approach the Civil Court in pursuit of remedy.

4. Having considered the respective submissions made on behalf of the parties it appears that Civil Court passed an *ad interim* order on 11th February, 2021 in the pending suit being T.S No. 16 of 2021 directing the parties to the suit to maintain status quo in respect of the suit property as described in Schedule-B of the plaint and same was subsequently made absolute. If said order dated 11th February, 2021 is not complied with petitioner is required to take steps in accordance with law before the Civil Court.
5. It is not apt so far police authority is concerned at present to take steps when the suit is pending.
6. Hence, writ petition stands dismissed.
7. However, this order shall not preclude the petitioner to take steps in accordance with law.
8. Application, if any pending, also stands dismissed.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)