06.10.2026
35 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 26352 of 2026

Sowkat Ali Piyada @ Sowkat Piyada
–Versus –
The State of West Bengal & Ors.

Mr. Sounak Bhattacharyya
Mr. Sounak Mandal
Mr. Anirban Saha Roy
....for the petitioner

Mr. Sankar Prasad Dalapati
Mr. Satyajit Mahata
...for the State respondents

1) Affidavit of service filed on behalf of petitioner is taken on record.

2) Learned advocate representing petitioner prays for direction upon concerned police authorities to take steps for implementation of order dated 5th September, 2019 passed on Title Suit no. 88 of 2019 by the learned Civil Judge (Junior Division), 2nd Court, Baruipur, South 24 Parganas. It is contended that an *ex parte ad interim* order of injunction was passed on 19th February, 2019 by the civil court in aforesaid suit thereby restraining defendants from entering into suit property and from disturbing peaceful possession of plaintiffs in respect of A and B schedule suit property without due process of law for a limited period. However, it is

submitted that from time to time *ex parte ad interim* order of injunction has been extended and till date said injunction order dated 19th February, 2019 subsists. It is also submitted that alleging violation of *ex parte ad interim* order of injunction dated 19th February, 2019 an application was filed under Section 151 of the Code of Civil Procedure on which civil court passed an order on 5th September, 2019 thereby directing Officer-in-Charge, Basanti Police Station for implementing said order dated 19th February, 2019. It is contended that peaceful possession of petitioner over A and B schedule suit property is being disturbed prompting the petitioner to approach this Court with the present writ petition seeking necessary direction.

3) Mr. Dalapati, learned advocate representing State respondents has drawn attention of this Court to relevant part of plaint whereby A and B schedule lands are described. It is submitted that concerned police authority is finding it difficult to identify the plots since several plots of land are described under A and B schedule suit properties.

4) On perusal of A and B schedule properties in plaint, it appears that there is substance in contention made on behalf of State respondents. It is not a suit pertaining to a particular piece of land, rather several plots of land are involved. Therefore, identification and/or demarcation of those plots of land are required to be made by the concerned authorities for

implementation of order passed by the civil court on 19th February, 2019.

5) Taking note of both the orders passed by the civil court on 19th February, 2019 and on 5th September, 2019, it is observed that if plots of land of petitioner as described under A and B schedule suit properties are demarcated in that event concerned police authority is required to take steps in terms of order dated 5th September, 2019.

6) However, concerned police authority is directed to maintain peace and tranquility at the locale and to see that no untoward incident takes place.

7) Writ petition stands disposed of.

8) Parties to act on server copy of this order duly downloaded from official website of this Court.

(Saugata Bhattacharyya, J.)