Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

SPECIAL CIVIL JURISDICTION
(Appellate Side)

W.P.A. NO 29017 OF 2026

ASHOK KUMAR DAS

VS.

THE STATE OF WEST BENGAL & ORS.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	:Mr. Koushik Bhattacharyya, Adv. Mr. Hare Krishna Halder, Adv. Mr. Ardhendu Nag, Adv. Mr. Arkaday Mukherjee, Adv.
For the State respondents	:Ms. Manju Agarwal, Ld. AGP Mr. Rahul Agarwal, Adv.
For the respondent nos. 4-6	:Mr. Palash Ch. Maiti, Adv.
Hearing concluded on	: 17.11.2026
Judgment on	: 17.11.2026

SAUGATA BHATTACHARYYA, J.:

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

2. By presenting this writ petition, petitioner has prayed for direction upon concerned police authorities to take steps considering

order dated 3rd July, 2026 passed by the learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 Parganas on Title Suit No. 612 of 2026. Learned advocate representing petitioner submits that petitioner filed a writ petition being WPA 8998 of 2026 which was disposed of by this Court vide order dated 27th April, 2026 thereby granting opportunity to petitioner to approach the civil court if it is found that peaceful possession over the land of petitioner is disturbed by private respondents. Petitioner approached the civil court by filing Title Suit No. 612 of 2026 wherein learned Civil Judge (Junior Division) 1st Court, Barasat, North 24 Parganas passed *ad interim* order of injunction thereby restraining defendants and their men and agents from disturbing peaceful possession of plaintiff over suit property for a limited period. It is submitted on behalf of petitioner in reference to statement made in paragraph 11 of present writ petition that on 12th June, 2026 said *ad interim* order of injunction was extended till 12th May, 2027. Alleging non-compliance of *ad interim* order of injunction dated 14th May, 2026 petitioner approached civil court under Section 151 of the Code of Civil Procedure and while disposing of said application Inspector-in-Charge of New Town Police Station was directed to render assistance to plaintiff being petitioner herein for implementation of the order of *ad interim* injunction. Learned advocate representing petitioner submits that in spite of passing orders by the civil court and this Court on 27th April, 2026, private respondents are disturbing peaceful possession of petitioner.

3. State respondents are represented by learned Additional Government Pleader. However, it is not disclosed on behalf of State respondents whether any steps have been taken by Inspector-in-Charge of Eco Park Police Station being respondent no. 3 for compliance of order passed by the civil court on 3rd July, 2026.

4. Learned advocate representing respondent nos. 4, 5 and 6 has opposed this writ petition and it is submitted that a proceeding is pending under Section 126 of the Bharatiya Nagarik Suraksha Sanhita, 2023 wherein certain orders were passed by the learned Executive Magistrate, therefore petitioner is required to approach the learned Executive Magistrate in pursuit of remedy.

5. Having considered the respective submissions made on behalf of parties and case made out in this writ petition, it appears that petitioner first approached this Court by filing a writ petition being WPA 8998 of 2026 which was disposed of vide order dated 27th April, 2026 thereby granting opportunity to petitioner to approach the civil court if it is found that his peaceful possession over land in question is disturbed by private respondents. At the same time, police authorities were directed to maintain peace and tranquillity at the locale and to see that no untoward incident takes place. Petitioner approached the civil court by filing Title Suit No. 612 of 2026 and in connection therewith on 14th May, 2026 an *ad interim* order of injunction was passed thereby restraining defendants and their men and agents from disturbing peaceful possession of plaintiff over suit property till 12th June, 2026. Subsequently *ad interim* order of

injunction dated 14th May, 2026 was extended till 12th May, 2027 by the civil court. Petitioner found that order passed by the civil court on 14th May, 2026 was not complied with by private respondents herein being defendants in aforesaid suit prompting the petitioner to approach civil court under Section 151 of the Code of Civil Procedure by filing an application. Said application was disposed of vide order dated 3rd July, 2026 by the civil court thereby directing concerned police authority to render assistance to plaintiff being petitioner herein for implementation of order of *ad interim* injunction dated 14th May, 2026.

6. On conjoint reading of *ad interim* order of injunction dated 14th May, 2026 and order passed by the civil court on 3rd July, 2026 on application under Section 151 of the Code of Civil Procedure, it appears that at the interim stage defendants were directed not to disturb peaceful possession of the plaintiff over suit property. It is repeatedly alleged by petitioner before the civil court as well as before this Court that private respondents are disturbing peaceful possession of plaintiff over the suit property.

7. Placing reliance on judgment of the Hon'ble Supreme Court reported in **(2006) 4 SCC 501** (**P.R. Murlidharan And Others Vs. Swami Dharmananda Theertha Padar And Others**) and judgment of the coordinate Bench reported in **2016 SCC OnLine Cal 2683** (**Sri Soumitra Bandopadhya & Anr. Vs. State of West Bengal & Ors.**) it can be inferred taking note of the order passed by the civil court on 14th May, 2026 read with order dated 3rd July, 2026 that even at the

interlocutory stage private respondents being defendants in the suit are required to be restrained from disturbing peaceful possession of the petitioner over the suit property, till order dated 14th May, 2026 subsists.

8. Hence, respondent no. 3 is directed to take necessary steps and to restrain private respondents being defendants in the suit from disturbing peaceful possession of the petitioner over the suit property till order dated 14th May, 2026 subsists.

9. Writ petition stands disposed of.

10. Parties to act on server copy of this judgment duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)