14.10.2026
05 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 29365 of 2026

Ujjal Banerjee
–Versus –
The State of West Bengal & Ors.

Mr. Sunny Nandy
Mr. Soumik Mondal
Ms. Triparna Dutta
Ms. Yamini Tiwari
....for the petitioner

Mr. Madhu Jana
Ms. Puja Sarkar
...for the State respondents

Mr. Bani Israil
Mr. Asraf Mandal
...for the respondent nos. 4 to 7

1) Matter is heard in presence of learned advocates representing petitioner, State respondents and respondent nos. 4 to 8.

2) Learned advocate representing petitioner submits that an *ex parte ad interim* order of injunction was passed on 25th June, 2026 by the learned Civil Judge (Junior Division), 1st Court, Ranaghat, Nadia in Title Suit No. 188 of 2026. Vide order dated 25th June, 2026, defendants and their men, agents and associates were restrained from entering into the suit schedule property and to raise any construction thereon. By said order, defendants were also restrained from changing nature

and character of the suit property and from creating any obstruction to the plaintiffs' peaceful possession including their ingress and egress for a limited period. It is submitted that respondent nos. 4 to 8 are taking steps for performing *durga puja* for the year 2026 upon raising temporary bamboo structure on the land of petitioner under Dag No. 23 being suit schedule property. Prayer is made for directing police authorities not to permit respondent nos. 4 to 8 for performing *durga puja* on land of petitioner.

3) Learned advocate representing respondent nos. 4 to 7 submits that they are performing *durga puja* for the year 2026 not on land which comes under Dag No. 23 but on adjacent land under Dag No. 27 and land being identified as part of Dag No. 27 is not owned by petitioner.

4) Having considered respective submissions made on behalf of parties, it appears that Title Suit No. 188 of 2026 was instituted by petitioner being plaintiff no. 1 therein seeking declaration that plaintiffs are owners of suit property and have every right over B schedule property for ingress and egress.

5) It is indisputable as this Court finds from respective submissions made on behalf of petitioner and private respondents that land identified as part of Dag No. 23 is suit schedule property whereas land identified as part of Dag No. 27 is not suit schedule property. If petitioner finds that by encroaching land being part of Dag No. 23

which is suit schedule property private respondents are performing *durga puja*, in that event petitioner has remedy under the relevant provisions of Code of Civil Procedure by approaching civil court since suit is pending.

6) While deciding present writ petition this Court is not required to make an exercise to find out whether private respondents are performing *durga puja* encroaching land being part of suit schedule property. Without deciding encroachment of land as alleged by petitioner while performing *durga puja* by private respondents it would be improper to pass any direction thereby restraining private respondents from performing *durga puja*. If straightway court directs police authorities to restrain private respondents to perform *durga puja* that will have bearing on pending civil suit which needs to be eschewed.

7) In aforesaid conspectus, present writ petition is not interfered with and same stands dismissed.

8) It is made clear that this order shall not in any way impact right of respective parties to approach civil court for determination of issue as to whether land of petitioner is being encroached by private respondents while performing *durga puja*.

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

(Saugata Bhattacharyya, J.)