

18.02.2026
Court No.13
Item No.9
AP

**MAT 2016 of 2025
With
CAN 1 of 2025**

**Sri Pralay Pradhan alias Pralay Kumar Pradhan
Vs.
The State of West Bengal and Ors.**

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das

.... For the Appellant.

Mr. Tanmoy Basu
Mr. Sayan Banerjee

.... For the Respondent No. 6.

1. The appellant/writ petitioner is aggrieved by the fact that the Jukhia III Gram Panchayat has sanctioned plan to the private respondent to effect construction over a property, which has not yet been partitioned. There is a partition suit pending being TS No.272 of 2025 before the learned Civil Judge (Senior Division), 1st Court, Contai.

2. In the civil suit an injunction has been passed by an order dated 22nd May, 2025 directing the parties to maintain status quo in respect of the suit property.

3. Despite whereof, it is submitted by the appellant/writ petitioner that the private respondent is continuing to effect construction on the property.

4. It is further submitted that the appellant/writ petitioner applied before the Civil Court for police help which was allowed by an order dated 9th June, 2025.

But Bhupatinagar Police Station has not extended any assistance to the appellant/writ petitioner. An advocate commissioner has been appointed by the Civil Court, whose report the learned counsel for the appellant/writ petitioner is not aware of.

5. Learned counsel for the private respondent, however, submits that the appellant/writ petitioner could easily have mentioned the matter before the Single Bench after demonstrating service, which was not being done. Therefore, there is no urgency in the matter according to the counsel for the private respondent.

6. This Court is of the view that a Civil Court's order of status quo is required to strictly implement by both the parties. Bhupatinagar Police Station ought to have extended necessary assistance to the appellant/writ petitioner as and when called for.

7. Having regard to the above facts and circumstances of the case, since there is admittedly a partition suit pending between the parties and a Civil Court has ordered status quo, the private respondent cannot effect any construction on the property in question.

8. The Officer-in-Charge, Bhupatinagar Police Station shall conduct an inspection of the said premises, take photographs and submit a report before the Civil Court

forthwith and make a copy of the report available to the appellant/writ petitioner and the respondents.

9. The parties shall be at liberty to file a formal application or supplementary affidavit before the Single Bench bringing on record the reports of the Advocate Commissioner as also the Bhupatinagar Police Station.

10. The Civil Court shall proceed in the matter in accordance with law. The private respondent is restrained from effecting any construction on the property or changing its nature and character.

11. The Pradhan, Jukhia III Gram Panchayat shall also be responsible for ensuring that the private respondent does not effect any construction on the property.

12. Bhupatinagar Police Station shall render all assistance to the appellant/writ petitioner in ensuring that this Court's order is strictly comply with.

13. Let affidavit-in-opposition to the writ petition be filed within a period of three weeks from date. Reply, if any, be filed within a period of one week thereafter.

14. Liberty to mention the matter before the Single Bench after completion of pleadings as directed above.

15. With the aforesaid directions, the appeal being MAT 2016 of 2025 is disposed of. Consequently,

connected pending application being CAN 1 of 2025 is also disposed of.

16. There shall be no order as to costs.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)