

08.01.2026
rc/ct.no.05
Item No.08

WPA No. 27621 of 2025
Momin Molla
Versus
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Mr. Biposha Bhattacharyya
Mr. Anirban Saha Ray ..for the Petitioner

Mr. Vivekananda Bose
Mr. A. Senguptafor the State

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarfas
...for Private Respondent Nos. 4, 5 & 6

Affidavit of service filed by the petitioner and report submitted by the State are taken on record.

Learned counsel for the petitioner submits that the petitioner filed a title suit against the private respondent before the Civil Judge (Senior Division), 2nd Court, Baruipur wherein by an order passed on September 26, 2024, the learned Judge granted an order of ad interim injunction directing both the parties to maintain status quo in respect of their respective physical possession, nature and character of the property in question. Learned counsel submits that despite such order, the private respondents are continuing to raise construction therein. The petitioner sought police assistance for implementation of the said

order which was also allowed by the learned trial Court. When the police visit the site the construction is stopped and resumed after the police leaves. The petitioner seeks a direction upon the police to implement the order of ad interim injunction.

Learned counsel for the private respondents denies and disputes the allegation made by the petitioner and submits that no construction is being made by the private respondents.

It appears from the report submitted by the State that the police has intensified patrolling in the area and there are no law and order issues related to the disputed property.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the learned trial Court has granted an order of ad interim injunction in the form of status quo and has further directed the police to implement the said order, the 3rd respondent is directed to keep strict vigil in the area so that no further construction is made by the private respondents therein and the order of the learned trial Court is complied with in its true letter and spirit.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)