

WPA 42 of 2026
IA No. CAN 1 of 2026

Anil Kumar Dhar
Vs.
The State of West Bengal & Ors.

Mr. Satyam Mukherjee
Mr. Purnendu Shekhar Ghosh
...for the petitioner

Mr. Suryaneel Das
Ms. Suchitra Sinha Chatterjee
...for the State
Mr. Subhas Ch. Saha
...for the respondent nos. 5 & 7

1. Matter is heard in presence of the learned advocates representing petitioner, respondent nos. 5 & 7 and State respondents.
2. Learned advocate representing petitioner submits that taking note of the orders passed by the Civil Court one dated 1st September, 2025 and another dated 8th September, 2025 in Title Suit No. 1262 of 2025 preferred by the petitioner steps are required to be taken by the concerned police authorities which would permit the petitioner to construct boundary wall at the property in question and to have peaceful possession over the said property.
3. It is submitted that in spite of an order was passed by the Civil Court on 8th September,

2025 on an application under Section 151 CPC directing police authorities to extend assistance to the petitioner/plaintiff therein for implementation of the order dated 1st September, 2025 steps are not being taken by the police authority. Prayer is made in this writ petition for directing concerned police authorities to take steps for implementation of the order dated 8th September, 2025.

4. Learned advocate representing respondent nos. 5 and 7 has opposed this writ petition and it is submitted that both the orders passed by the Civil Court, one dated 1st September, 2025 and another dated 8th September, 2025 are *ex parte* orders where orders passed by the Civil Court in the suit preferred by the respondent no. 5 being Title Suit No. 467 of 2018, were not considered. Right of the petitioner over the suit property is disputed by the learned advocate representing respondent nos. 5 and 7.
5. Mr. Suryaneel Das, learned Additional Government Pleader represents State respondents who has filed a communication dated 10th June, 2026 of Inspector-in-Charge, Barasat Police Station and same is taken on record. Copies of the communication dated 10th June, 2026 are made over to the learned

advocates representing petitioner and respondent nos. 5 and 7.

6. Having considered the submissions made on behalf of the parties and taking note of the contents of the communication dated 10th June, 2026 it appears that both petitioner and respondent nos. 5 and 7 are claiming right over the property in question and at instance of both the parties two different suits are pending one being Title Suit No. 467 of 2018 preferred by the respondent no. 5 and another being Title Suit No. 1262 of 2025 preferred by the petitioner herein.
7. Petitioner prays for direction for implementation of the order dated 8th September, 2025 but both the orders dated 1st September, 2025 and 8th September, 2025 passed by the Civil Court in Title Suit No. 1262 of 2025 are *ex parte* orders and it does not appear that at the time of passing those orders, orders passed by the Civil Court in the suit preferred by the respondent no. 5 being Title Suit no. 467 of 2018 were taken into consideration.
8. Police authority is not the appropriate authority to decide the inter se right of the parties over the property in question. However,

concerned police authorities are directed to maintain peace and tranquility at the locale and keep vigil.

9. Writ petition stands disposed of.
10. However, this order shall not preclude the parties to approach the Civil Court in asserting their rights over the property in question.
11. Since affidavits are not called for statements made in the writ petition are deemed not to have been admitted.
12. Application being CAN 1 of 2026 is not pressed and same stands dismissed as not pressed.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)