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14.10.2026
Ct. No. 05
adeb

WPA 28224 of 2026

Kutubuddin Safui @ Kutubuddin Sanpui
Vs.
The State of West Bengal & Ors.

Mr. Debapriya Majumder
...for the petitioner
Ms. Antara Das
Mr. Sagar Das
...for the respondent nos. 4 to 8
Mr. Sankar Prasad Dalapati
Mr. Madhu Jana
Mr. Rahul Agarwala
....for the State

1. Affidavit of service filed on behalf of petitioner is taken on record.
2. Prayer is made for directing police authorities to take necessary steps based on subsequent complaint which was received by concerned police authority on 23rd September, 2026. In addition thereto, it is also submitted that petitioner filed Title Suit No. 1817 of 2025 wherein an *ad interim* order of injunction was passed by learned Civil Judge (Sr. Division), 7th Court, Alipore, South 24 Parganas thereby restraining defendant nos. 1 and 2 from dispossessing the plaintiffs of suit property and plaintiffs and defendant nos. 1 and 2 were directed to maintain *status quo*. Prayer is also made for providing protection to petitioner.
3. State respondents are represented by Mr. Sankar Prasad Dalapati, learned Additional

Government Pleader who has opposed this writ petition and it is submitted that issue involved in this writ petition is civil in nature. According to State respondents if suit is pending petitioner is required to approach Civil Court.

4. On perusal of complaint which is at pages 24 and 25 of writ petition it appears that miscreants allegedly damaged house of petitioner on 17th September, 2026 which was brought to notice of concerned police authority giving rise to criminal prosecution being Chandaneswar Police Station Case No. 177 of 2026 dated 18th September, 2026. Subsequently, complaint which is at pages 24 and 25 of writ petition was sent by registered post reporting looting of valuable items on 18th September, 2026 by the miscreants.

5. Based on complaint dated 17th September, 2026 since FIR has been registered on 18th September, 2026 concerned police authorities are directed to investigate the case and take the same to its logical conclusion. If petitioner finds that subsequent complaint which was received by police authorities on 23rd September, 2026 needs to be taken into consideration for registering FIR and which has not been done, petitioner is at liberty to approach jurisdictional Magistrate under

Section 175(3) BNSS 2023 seeking registration of FIR.

6. Moreover, in pending suit instituted by petitioner being Title Suit No. 1817 of 2025 order was passed restraining respondents from dispossessing the petitioner being plaintiff therein of premises in question and to maintain *status quo*. If petitioner finds that said *ad interim* order of injunction dated 26th November, 2025 still subsists and same is violated petitioner shall be at liberty to approach Civil Court in pursuit of remedy.
7. With the aforesaid observations writ petition stands disposed of.
8. Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)