

WPA 21932 of 2026

**Durgapur Real Estate Private Limited & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Kaushik De
Ms. Ahanesha Mukherjee
Mr. Amajit De
...for the petitioner

Ms. Jayita Dhar Chakraborty
Ms. Koushikee Banerjee
...for the State
Mr. Indranuj Datta
...for the private respondents

1. Affidavit of service filed on behalf of petitioners is taken on record.
2. By presenting this writ petition mandamus is sought for thereby directing concerned police authority to register FIR against private respondents and commence investigation.
3. Mr. Kaushik De, learned advocate representing petitioners submits that prayer is not appropriately couched, grievance of petitioners is inaction on the part of concerned police authorities to the extent of not providing assistance to the petitioners which will facilitate petitioners being developers to carry out construction for completing phase-4 and phase-5 in a housing project. It is also

submitted that some flat owners in the said project has filed a Title Suit No. 77 of 2026 before the learned Civil Judge (Jr. Division) 1st Court, Durgapur and obtained *ex parte ad interim* order of injunction on 23rd March, 2026 thereby restraining petitioners being defendants therein and their men and agents from entering into suit property and/or from using common area and internal roads for ingress and egress in the suit property. Subsequently, Civil Court vacated said *ad interim* order of injunction dated 23rd March, 2026 vide order dated 7th April, 2026. According to petitioners now there is no impediment so far police authorities are concerned to provide assistance which will enable the petitioners to carry out construction work for completing phase-4 and phase-5 within the housing project.

4. Learned advocate representing private respondents has opposed this writ petition and it is submitted that *ad interim* order of injunction dated 23rd March, 2026 was vacated not on merit but on technical ground due to non compliance of Order 39 Rule 3(a)(iii) while serving notice upon the defendants. It is also submitted that subsequently private

respondents have taken out an application seeking injunction and said application was heard by the Civil Court on 31st August, 2026.

5. State respondents are represented by learned advocate.

6. Taking note of the nature of prayer couched in the writ petition if this Court accepts the contention of petitioners for moulding prayer in order to appraise the issue raised in this writ petition even then Court finds there is impediment in issuing blanket direction upon the concerned police authorities to provide assistance to the petitioners to facilitate their construction work to complete phase 4 and phase 5. It is also submitted on behalf of private respondents being flat owners who instituted aforesaid suit where petitioners being developers are defendants that *ad interim* order of injunction passed on 23rd March, 2026 was vacated on technical ground and not on merit. It is also contended on behalf of flat owners that another injunction application has been taken out and same was heard on 31st August, 2026 by the Civil Court.

7. If at this stage, this Court issues direction upon the concerned police authorities to provide protection for completing work under

phase 4 and phase 5 in that event application preferred by flat owners before the Civil Court as well as aforesaid title suit may become infructuous.

8. It needs to be clarified based on submission made on behalf of petitioners that private respondents are owners of flats under phase-1, phase-2 and phase-3.
9. Hence, this Court is not inclined to interfere with this writ petition and same is dismissed.
10. However, this order shall not preclude the petitioners to approach Civil Court in pursuit of remedy.
11. Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)