

Daily List II
Bpg.

December 10,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 10080 of 2020

**Muktiprasad Hazra and another
Versus
The State of West Bengal and others**

Mr. Bhaskar Chandra Manna.
...for the petitioners.

The petitioners have prayed for police help for removal of alleged obstruction from an existing pathway for ingress and egress to the main road to an allegedly government-vested land.

Upon query of Court, learned counsel for the petitioners, in his usual fairness, indicates that a civil suit is also pending regarding the matter. It is, however, submitted that the suit was filed by the petitioners, having no alternative, and no orders have been passed in favour of the petitioners as yet in the said suit. However, since the prayer of the petitioners emanates from a patently civil dispute and a civil suit is already pending before a competent court, there is no occasion or necessity for this Court to exercise its prerogative writ jurisdiction in the matter. Rather,

such practice of moving the writ court unnecessarily despite having previously approached a civil court for similar relief, is deprecated.

Accordingly, W.P.A. 10080 of 2020 is dismissed as not maintainable. The petitioners shall deposit costs of Rs.1,000/- with the Legal Aid Authorities, Government of West Bengal within a week from date.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)