

AD. 6.
February 11, 2021.
MNS.

W. P. A. 1258 of 2021
(Via video conference)

Smt. Madhabi Senapati and another
Vs.
The State of West Bengal and others

Mr. Soujanya Bandyopadhyay

... for the petitioners.

Mr. Amitesh Banerjee,
Mr. Suddhadev Adak

...for the respondent-authorities.

Mr. Sanjit Seth

...for the private respondent
nos. 4 and 8.

The petitioners allege that the private respondent no. 8 has been disturbing the petitioners' possession and are attempting to make construction illegally, thereby harassing the petitioners.

It is further submitted that the petitioners had to approach a civil court and obtain an order of injunction, which is being patently flouted by the private respondents.

Learned counsel further submits that, despite serious threats to the life of the petitioners having been issued and several attempts of

illegal activities being perpetrated by the private respondents, the police have not taken any steps in that regard.

Learned counsel appearing for the private respondents categorically denies such submissions and submits that a civil suit is already pending in connection with the dispute.

Learned senior counsel appearing for the respondent-authorities files a report in Court today, which is kept on record, and submits that, on the basis of the complaint of the petitioners, an investigation was initiated by registering a First Information Report, which has already culminated in filing of a charge sheet, bearing Domjur Police Station CS No. 618/2020 dated December 18, 2020, under Sections 188 and 506 of the Indian Penal Code, against the accused.

Although it is submitted by learned counsel for the petitioners that the provisions quoted in the charge-sheet are insufficient vis-a-vis the nature of the complaint lodged by the petitioners, it is open to the petitioners to approach the competent Magistrate for ventilating such grievance. Under the law, the petitioners are at liberty to approach the concerned Magistrate and

point out the defects in clubbing of sections as well as to seek a re-investigation, if necessary.

As such, there is no scope of this Court usurping the jurisdiction of the Magistrate in that regard. As regards the rest of the allegations, since the matter is sub judice before a civil court and pertain squarely to a civil dispute between the private parties, the writ court ought not to pass any further direction in that regard.

In view of the above observations, W. P. A, 1258 of 2021 is dismissed without any order as to costs.

It is made clear that the petitioners and the private respondents shall be at liberty to approach the competent civil/criminal courts to ventilate their grievances in accordance with law and the observations made hereinabove shall not prejudice the respective cases of the petitioners and the private respondents in any manner whatsoever.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)