

27.04.2021
Sl. No.09
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 5694 of 2021

Sekh Rabial
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Kumar Bose
....for the petitioner.

Mr. Uday Narayan Betal,
Mr. Sk. Toshim Sk. Ali
....for the respondent no.7.

The petitioner seeks leave to file a supplementary affidavit. Leave granted and a copy of the supplementary affidavit affirmed on 19th March, 2021 made over to Court is taken on record.

I am told that a copy of the supplementary affidavit has been served on the respondents. On a perusal of the supplementary affidavit, it appears that the petitioner is trying to bring on record certain subsequent events, which allegedly took place after the matter was heard and adjourned on 10th March, 2021. In the writ petition, the petitioner complained of police inaction on the ground that the police authorities remained inert despite specific complaint by the petitioner against his brother, the respondent no.7 arising out of the alleged disturbance caused to the petitioner in running his motor garage. In the

supplementary affidavit, the petitioner alleges that after the garage closed, on 11th March, 2021 the respondent no.7 with the help of the local syndicate has heaped in a truck load of sand in front of the said garage completely blocking the entrance of the said garage. As it is the dispute between the petitioner and the respondent no.7 appears to me to be a civil dispute couched in a manner to rope the police authorities to give shape of a police inaction.

The subsequent allegation in the supplementary affidavit is beyond the scope of the writ petition. The petitioner's remedy that may be available for getting free access to the garage lies elsewhere and not before this Court in exercising its writ jurisdiction in a police inaction matter arising out of a complaint against respondent no.7. It is no more the petitioner's case that the petitioner is unable to open his garage or operate the same. In fact, it is admitted position that the petitioner opened the garage on 11th March, 2021 and operated the same.

The writ petition is accordingly disposed of without any order as to costs inasmuch as the allegations made in the writ petition has the flavours of civil dispute and the petitioner's cause, if any, have further altered with the happening of subsequent events.

The petitioner shall be free to take such legal course as may be advised with regard to the subsequent events as alleged in the supplementary affidavit affirmed on 19th March, 2021.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)