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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8022 of 2020

M/s. K. M. enterprise & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Srijib Chakraborty
... For the petitioner.

Mr. Benazir Ahmed
... For the State.

The petitioners say that under a contract the petitioner no.1 is constructing a building at premises no.18/2/W3TC/7, Uday Shankar Sarani, Police Station Jadavpur, Kolkata – 700095 (hereinafter referred to as the said premises). The petitioners further allege that the respondent no.7, without settling the accounts of the petitioners has chalked out a plan to throw out the materials and equipments of the petitioners for ousting the petitioners from the possession of the newly constructed building at the said premises. The petitioners have also lodged a general diary with the Jadavpur Police Station and have also obtained an order in a proceeding under section 144 of the Code of Criminal Procedure, 1973. The petitioners say that the threats from the side of the respondent no. 7 still continues and the police is not taking any steps to protect the petitioners.

On behalf of the State respondents it is

submitted that in terms of the complaint made by the petitioner a general diary has been lodged. No cognizable offence was made out and, as such, nothing other than a general diary could be registered.

After hearing the submissions made on behalf of the parties and considering the materials on record, I find that there is every likelihood of dispute having arisen between the petitioner and the respondent no.7 with regard to the agreement for construction and payment in respect thereof. The matter therefor pertains to civil disputes. The writ petition alleging police inaction is not maintainable in the facts and circumstances of the case. I also find no reason to direct the police authority to take appropriate steps in the facts and circumstances of the case as the petitioners' allegations as against respondent no.7 are bald.

The writ petition is disposed of by giving the petitioners liberty to approach the appropriate forum in accordance with law on the selfsame cause.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)

