

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9633 of 2020

Nirmalananda Maiti
Vs.
State of West Bengal & Ors.

Ms. Dipika Basu
Mr. Subhadip Chakraborty
... For the petitioner

Mr. Dyutiman Banerjee
Mr. Satyam Mukherjee
Mr. Soumyodeep Mukherjee
... For the respondent no.5

Ms. Sneha Chatterjee
... For the respondent no.7

Affidavit of service filed in Court today is taken on record.

After hearing the parties, it appears that the petitioner's grievance is that in the absence of the petitioner on 24th October, 2019, the respondents no.5 and 6 along with some anti-socials destroyed the house of the petitioner and broke the main entrance gate and doors of the staircases and further threatened and assaulted the respondent no.7 who is residing at the second floor of the said premises. The petitioner has lodged complaint with the police authorities but no step, according to the petitioner, has been taken by such authorities. The petitioner seeks a mandatory direction

upon the respondents no.2 and 3, respectively, being the Commissioner of Police, Bidhannagar Police commissionerate and the Officer-in-Charge, Bidhannagar East Police Station, to ensure return back the house premises to the petitioner.

It appears that the petitioner and the respondent no.7 on one hand have certain disputes with the respondents no.5 and 6 regarding right, title, interest and possession of the premises no.CK-184, Block-CK, Sector-II, Salt Lake City, Kolkata – 700091 which has led to certain acts by the respondents no.5 and 6 against the petitioner. The police authorities are neither competent nor authorised to decide upon the right, title, interest and possession of the petitioner which forms the basis of the petitioner's allegation of police inaction.

These are *inter se* civil disputes between the petitioner, the respondent no.7 and the respondents no.5 and 6. The petitioner's remedy, therefor, lies elsewhere and not by invoking the writ jurisdiction of this Court alleging police inaction.

The writ petition is, therefor, disposed of allowing the petitioner to pursue such remedies as may be available in law on the selfsame cause.

Nothing further remains to be adjudicated in this writ petition.

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

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

(Arindam Mukherjee, J.)