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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No. 10986 of 2020
(Via Video Conference)

**Ranjit Patra
-Vs.-
The State of West Bengal & Ors.**

Ms. Rima Sen,
Mr. Surajit Basu,
Mr. Bikash Chakraborty
...for the petitioner

Ms. Karabi Roy,
Mr. Ashim Kumar Ganguly
...for the State

Ms. Kaberi Ghosh (Dey)
...for the respondent nos. 5 to 8

The petitioner complains that the private respondents have been disturbing the petitioner's ingress and egress in respect of a property, of which the petitioner is a lessee.

Learned counsel appearing for the petitioner submits that, despite having sought to lodge a complaint with the police-authorities, such complaint was not accepted, for which a representation was made on December 10, 2020 to the respondent no. 3 by speed post, which was received by the said respondent on December 11, 2020.

Learned counsel argues that the police ought to take appropriate action on such complaint.

Learned counsel appearing for the private respondents submits that the private respondents have title to the property, since the property was sold long back. As such, there being a dispute as regards title to the property, the police ought not to interfere in the matter.

Learned counsel appearing for the respondent-authorities submits that the complaint of the petitioner was duly acted upon by initiating proceedings under Section 107 and other relevant sections of the Code of Criminal Procedure in accordance with law, upon a preliminary enquiry being undertaken.

As pointed out fairly by learned counsel for the petitioner, the petitioner had previously approached this Court by filing a writ petition, bearing W.P.A. No. 7397 of 2020, with similar grievance, which was disposed of by a co-ordinate Bench of this Court on October 13, 2020, observing that the disputes are civil in nature and a writ court need not interfere in disputes relating to immovable property between private parties. The parties, however, were given liberty to

approach the appropriate forum for redressal of their grievance, if any.

Although it is contended by the petitioner that, subsequent to such order, further criminal activities were undertaken by the private respondents, giving rise to the current complaint, such cause of action cannot be said to be based on a new event, but is, in fact, a continuation of the previous cause of action, which prompted the petitioner to approach the writ court previously. Since the cardinal dispute between the private respondents and the petitioner, as regards title to the property-in-question, remains the basis of the current complaint, as it was in respect of the previous ones, it cannot be said that there has arisen a subsequent cause of action, which would efface the binding nature of the previous order of the learned Single Judge dated October 13, 2020.

In any event, the petitioner has to approach a civil court, since it is beyond the charter of the writ court to decide disputed questions of fact, which require detailed adduction of evidence.

More over, the police-authorities have taken sufficient steps on the latest complaint filed by the petitioner, thereby mitigating the instant grievance of the petitioner. In such view of the

matter, there is no scope for interference by the writ court.

Accordingly, W.P.A. 10986 of 2020 is dismissed.

However, the liberty to the parties to approach the civil court, as granted vide order dated October 13, 2020 passed in W.P.A. No 7397 of 2020, still retains its force.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)