

AD. 18.
January 6, 2021.
MNS.

W. P. A. 11112 of 2020
(**Via video conference**)

Susanta Halder
Vs.
The State of West Bengal and others

Mr. Md. Ali Mansoor

... for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin

...for the respondent-authorities.

Mr. Bapin Baidya

...for the private respondents.

Affidavit-of-service filed in Court today be
taken on record.

The claim of the petitioners is that the
police is not lending assistance to the petitioners
despite the petitioners' names having been
recorded in the records of rights.

Learned counsel appearing for the
respondent-authorities submits a report, in the
form of instructions, which indicates that the
matter pertains to a civil dispute. However, a
prosecution case under Sections 107 and 116 of

the Code of Criminal Procedure has been initiated on the complaint of the petitioner.

Learned counsel appearing for the private respondents hands up a copy of a certified copy of order no. 144 dated June 16, 2011 passed in Miscellaneous Case No. 44 of 2006 showing that the said case was dismissed for default. Let the said copy be taken on record. Learned counsel for the private respondents reiterates that the said dismissal was in connection with a suit initiated by the present petitioners. However, the subject-matter of the suit is not clear from the copy of the order handed over today, in the absence of any copy of the plaint or pleadings thereof.

Be that as it may, the respondent-authorities are justified in pleading that the matter squarely pertains to a civil dispute, since, even shorn of all other details, it is evident that the petitioners and the private respondents dispute each other's title in respect of the property-in-question. As such, it would not be prudent for a writ court to direct the police authorities to enforce action against the private respondents at the behest of the petitioners. The remedy of the petitioners, if any, lies in civil action, if not already initiated.

As such, W. P. A. 11112 of 2020 is dismissed.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)