

6 06.04.2022

PA(SS)

FMA 354 of 2022
IA NO: CAN/1/2022
Sri Kartick Shil alias
Kartick Chandra Shil
Vs.
State of West Bengal and Ors.

Mr. Debasis Kar,
Mr. Husen Mustafi,
Mr. Subhajit Chowdhury, Advocates
..for the appellant

By this appeal the writ petitioner has challenged the order of the learned Single Judge dated 06.01.2022 whereby WPA 14156 of 2021 has been disposed of by giving liberty to the petitioner to take appropriate steps before the Civil Court finding that the dispute is essentially private in nature and there is no inaction on the part of the police in this regard.

The appellant had filed the writ petition with the prayer seeking a direction to the State authorities to take action against the private respondents so that the appellant can make entry into his house and stay there peacefully without hindrance. The plea taken in the writ petition was that the appellant was married to respondent No. 4 and that the respondent No. 5 is their daughter. Some dispute arose between the appellant and the relationship between the parties became strain. A

criminal case has also been registered against the petitioner. The writ petition further reflects that a civil suit is also pending. Appellant has alleged that his possession was disturbed.

Learned Single Judge has duly taken note of the pending litigation between the parties and has duly reached to the conclusion that the dispute between the parties is essentially private in nature. No error has been committed by the learned Single Judge in holding that the writ jurisdiction cannot be exercised in the facts of the present case for restoration of the possession. The impugned order passed by the learned Single Judge does not suffer from any error and no case for interference is made out. Hence, the appeal is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)