

1st July, 2022
(D/L No.23)
(SKB)

W.P.A. 2965 of 2022

Dipak Singh and another
Versus
The State of West Bengal and others

Mr. Anish Das,
Mr. Saikat Karmakar
... for the petitioners.

Ms. Chaitali Bhattacharya,
Ms. Sanjukta Samanta
... for respondent no.1.

Mr. N. C. Bihani
... for respondent no.2.

Ms. Sonal Sinha
... for respondent no.3.

Mr. Farhan Gharrar
... for respondent no.4.

Mr. Subhamoy Bhattacharya,
Mr. Shankar Mukherjee
... for respondent no.5.

Upon considering the relief prayed for by the petitioners, which is for direction on the respondents to relocate the Booster Pump situated above the bedroom of the petitioners, it appears that the relief has primarily been sought for against the promoters of the building being respondent nos.4 and 5.

The averments in the writ petition as well as certain mails exchanged between the petitioners and the promoters as of May, 2021, bear testimony to this fact. It also appears from the records that the petitioners filed

a suit for permanent injunction before the learned Civil Judge (Junior Division), Bidhannagar, for identical relief i.e. relocation of the Booster Pump situated above the bedroom of the plaintiffs with immediate effect.

The learned court below passed an order on 11th May, 2022 refusing any *ad interim* relief. The petitioners have not challenged the order of refusal.

After hearing learned counsel appearing for the parties, it is clear that the primary relief in the writ petition is against the promoters who are private respondents before the Court. Further, since the petitioners have already approached before the civil forum and have available remedies there, W.P.A.2965 of 2022 is dismissed without any order as to costs.

The petitioners shall be at liberty of approaching the concerned State respondents in terms of the representations, which have already been made by the petitioners.

(Moushumi Bhattacharya, J.)