

03-01-2022
ct no. 13
Sl. 10
sp

**WPA 15037 of 2021
(Through Video Conference)**

Jaladhar Jhamuri & Anr.

-Versus-

The State of West Bengal & Ors.

Ms. Amrita De

....for the petitioners

Mr. Anirban Ray, Id. G.P.,

Mr. Raja Saha,

Mr. Debasish Ghosh

...for the State

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

The writ petitioners are aggrieved by the fact that they are being prevented by the private respondents from constructing a tin shed over their residence. Counsel for the petitioners would argue that her clients have been facing rain and cold and are in a very precarious condition.

It appears from the records as also the submissions of Mr. Raja Saha, learned counsel for the State that there is a civil suit being T.S. No. 11 of 2016 filed by the petitioners against the private respondents, which is now fixed for ex parte hearing on March 2022.

The petitioners seek a direction on the police authorities to help in construction of the tin shed and complain of inaction in this regard.

This Court finds no inaction on the part of the police. Upon receipt of a complaint from the petitioners, proceedings under Section 107 of the Cr. P.C. has been taken out. The remedy of the petitioners is to seek relief before the civil Court where a civil suit is already pending.

For the reasons stated above, no order can be passed in this writ petition.

Hence, WPA 15037 of 2021 shall stand dismissed.

Interim order, if any, shall stand vacated.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)