

23-11-2022
ct no. 13
Sl.7
sp

WPA 16067 of 2021

Puja Mal & Anr.

-Versus-

State of West Bengal & Ors.

**Mr. Sujit Bhattacharya,
Mr. Suman Chatterjee**

...for the petitioners

**Mr. Subhabrata Datta,
Mr. Debashis Sarkar**

...for the State

**Mr. Arindam Sadhukhan,
Ms. Fatima Hassan**

...for the respondent no.5

The petitioners complain of alleged inaction by the Tala Police Station in respect of a complaint lodged of nuisance caused by the private respondent. The predecessor of the private respondent and the petitioners were holding a property jointly and a partition suit being T.S. No. 179 of 2020 filed by the petitioner, is now pending before the learned Civil Judge (Junior Division), Sealdah. Injunction against the private respondent has been declined by the Court below. Preliminary decree of partition is stated to have been passed.

The petitioners moved an earlier petition being W.P.A. No. 4923 of 2022 that was disposed of by an order dated March 28, 2022. Costs of Rs. 5,100/- were directed to be paid by the petitioners

to the Tala Police Station. It is not clear as to whether the costs have not been paid.

The Officer-in-Charge, Tala Police Station has filed instructions dated 21.11.2022, addressed to the learned State Advocate. The same is taken on record.

It is submitted that there are civil disputes between the petitioners and the private respondent. The private respondent has been warned against any illegal action and the Tala Police Station is maintaining vigil over the property.

Having heard the learned counsel for the parties, this Court is once again of the view, that the dispute is primarily civil in nature. The petitioner could have sought further civil remedy against the private respondent, which she did not. An application for injunction has also been rejected. This Court finds that this is a second frivolous writ petition filed by the writ petitioners.

In those circumstances, costs of Rs. 2,500/- shall be payable by the petitioners each to the Tala Police and the private respondent.

The Tala Police shall collect the costs as directed hereinabove and also as per the order dated March 28, 2022 forthwith. The costs may also be recovered, if necessary, under the

provisions of the Bengal Public Demand Recovery Act.

With the aforesaid observation, the writ petition shall stand dismissed.

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

(Rajasekhar Mantha, J.)