

**MAT 1348 of 2021
With
CAN 1 of 2022**

**Subrata Roy
Vs.
The State of West Bengal & Ors.**

Mr. Debasis Sur
Mr. Angshuman Patra
Mr. Himadri Sekhar Bose

... ... for the appellant

Mr. Arjun Ray Mukherjee
Mr. Joyjeev Medhi

... ... for the State

This appeal at the instance of the writ petitioner is directed against the order of the learned Single Judge dated 02.12.2021 whereby the writ petition being WPA 14411 of 2021 has been dismissed by observing that the dispute is of civil nature.

A copy of the writ petitioner has been produced by learned counsel for the appellant and a perusal thereof, reveals that the appellant had approached the writ Court with a plea that he was a tenant in the premises and some unknown miscreants along with the FIR named persons had stolen away different valuable articles from the tenanted premises by breaking open the padlock. A complaint was made to the police. On the basis of the complaint, the Uttarpara police station case being PS case no. 353 of 2015 was registered and after investigation, the police had submitted FRT on 30.09.2015 which was accepted by the learned Magistrate on 09.11.2017. The case of the petitioner is that the same was wrongly accepted and that the appellant had approached for reopening of the case and on the subsequent complaints, no action was taken. Hence, a prayer was made in the petition to protect the belongings of the appellant in the rented premises

and to direct the respondent no. 3 i.e., the Inspector-in-charge of the concerned police station for re-entry in the premises.

Learned Single Judge has noted in the impugned order that the FIR of the appellant resulted into FRT and the dispute between the appellant and the private respondent is purely civil in nature. A report in the form of communication received by the learned counsel for the State has also been placed on record indicating that the dispute exists between the flat owner and the appellant who is a tenant in the premises and the appellant had committed default in payment of rent and thereafter, had left the premises voluntarily and is not present in the premises in question for last 8-9 years.

Though, the truthfulness of the contents of the report filed by this Court are not accepted but the said report clearly indicates that the civil dispute exists between the parties in the matter.

Hence, the learned Single Judge has not committed any error in refusing to interfere in the writ petition.

Thus we find no ground to interfere in the order of the learned Single Judge is made out.

Hence, the appeal along with the application is dismissed.

(Prakash Shrivastava, C.J.)

(Krishna Rao, J.)