

06.12.2022.
Item No. 4.
Court No.13
ap

W.P.A. No. 10950 of 2020

Lakshmikanta Pandit
Versus
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay.
..For the petitioner.

Mr. Pantu Deb Roy, AGP,
Mr. Anand Farmania.
...For the State.

Mr. Nilanjan Bhattacharjee.
Mr. Saikat Dey.
..For the respondent nos.4, 5 & 6.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner claims that he was taken into
custody in connection with an investigation into a
complaint lodged by Dasnagar Police Station at the
instance of the private respondents/landlords.

It is alleged that Dasnagar Police Station has not
taken any steps.

Counsel for the Dasnagar Police Station submits
that FIR was registered on the petitioner's complaint
and charge-sheet has also been submitted.

Counsel for the private respondents submits
that the petitioner, after filing of the writ petition, has
filed a suit being Title Suit No. 774 of 2021 pending
before the learned Civil Judge (Junior Division) 6th

Court at Howrah seeking declaration and permanent injunction.

In the said suit, the petitioner obtained an order of injunction against the private respondents under Order 39, Rules 1 and 2 of the Code of Civil Procedure on 6th August, 2021.

The petitioner has stated in the plaint and the application, that he was in possession of the property. The allegations made in the writ petition are, therefore, contradictory if not false, untrue and incorrect.

In those circumstances, the instant writ petition must fail and is hereby dismissed with costs assessed at Rs.2,500/- (Rupees two thousand five hundred only) each, payable by the petitioner to Dasnagar Police Station and the private respondents.

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

(Rajasekhar Mantha, J.)