

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**MAT 31 of 2022
WITH
CAN 1 of 2022**

**Sri Mahabir Prasad & Orr.
Vs.
The State of West Bengal & Ors.**

Mr. Deborshi Dhar, Advocate
... for the appellants

Mr. Subir Kr. Saha, Advocate
Mr. Mamenur Rahaman, Advocate

The appeal is directed against the order dated March 1, 2022 passed in the writ petition.

By the impugned order, the learned Judge refused to exercise discretionary jurisdiction under Article 226 of the Constitution of India on the ground that there was a civil suit pending between the private parties and there was an order passed by the civil court.

Learned Advocate appearing for the appellants submits that the appellants are sought to be dispossessed from the suit property. The appellants lodged first information report on May 17, 2021. The police are not taking any steps with regard thereto.

So far as the possession of the appellants in respect of the immovable property is concerned, the same is governed by the civil suit pending between the private parties. We make no observation with regard thereto.

The private opposite parties are at liberty to agitate their respective rights before the civil court in accordance with law.

So far as the police complaint is concerned, it appears that the police registered a first information report with Falakata P.S. being FIR No. 203/21 dated May 17, 2021.

Learned Advocate appearing for the State on instructions submits that, the investigations are still ongoing.

In such circumstances, it would be appropriate to dispose of the appeal by directing the appellants to submit report under Section 173 of the Code of Criminal Procedure in respect of Falakata P.S. being FIR No. 203/21 dated May 17, 2021 within a period of four weeks from date with the jurisdictional Court.

With the aforesaid observations, we dispose of the appeal and the connection application.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)