

OD 7

WPO 2627 of 2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GHANSHYAM DAS SARAWAGI CHARITY TRUST
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble Justice RAJASEKHAR MANTHA

Date : 27th September, 2022.

APPEARANCE:

Mr. Arindam Paul,Adv.

Mr, Arnab Nandy,Adv.

Ms. Parna Mukherjee,Adv.

Mr. Saswata Chatterjee,Adv.

.....for the petitioner.

Mr. Arijit Chatterjee,Adv.

....for respondent.

The Court :- The petitioner is aggrieved by inaction on the part of the Posta Police Station. By complaint dated 21st May, 2022, the petitioner had informed the Posta Police Station of act and omissions and obstruction by the private respondents in running a school for children at 51, Burtolla Street, Kolkata – 700007.

The petitioner had also approached the Executive Magistrate under the provisions of Section 144 of the CrPC that was registered as Case No. 128 of 2021.

There is a civil suit being Ejectment Suit No. 34 of 2015 filed by the petitioner against the private respondents and other persons. It is now pending before the 12th Bench of the City Civil Court at Calcutta.

This Court is of the view that the dispute between the petitioner and the private respondents and the subject matter of the complaint to the police is primarily civil in nature. The parties may have their civil disputes adjudicated in either the pending suit or in any other suit that may be taken up in accordance with law. The police have no role in such civil dispute.

There is, therefore, no inaction on the part of the Posta P.S.

The O.C., Posta P.S. shall ensure that there is absolutely no breach of peace in the area and shall continue to maintain vigil thereat.

In view of the above, WPO No. 2627 of 2022 is disposed of.

(RAJASEKHAR MANTHA, J.)