

27.04.2023
Ct. No.1
Item No.6
PG/KS

M.A.T.139 of 2023
With
I.A. No. CAN 1 of 2023
Karunamay Sen & Anr.
-Vs.-
The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal
Mr. Nikhil Kr. Gupta.....for the appellants

Mr. Uttiya Ray
Mr. Arnab Mandal.....for the respondents
6 & 7

1. This intra-Court appeal by the writ petitioners is directed against the order dated 12th September, 2022 in W.P.A. 4430 of 2022. The dispute, as focussed by the appellants/petitioners in the writ petition is a private dispute with regard to a property, which appears to have been gifted and the ultimate grievance of the appellants/petitioners is for cancellation of such a gift deed.
2. Therefore, the learned writ Court had rightly declined to entertain the writ petition and we find no ground to interfere with the said order.

3. However, we make it clear that in the event the respondents/police have not registered a case, we grant liberty to the appellants/petitioners to invoke the other remedies, which are available to them under the Code of Criminal Procedure.
4. With the above observations, the appeal and the connected application are disposed of.
5. There shall be no order as to costs.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)