

05 20.04.2023  
RP Ct. No. 01  
AN

MAT 328 of 2023  
with  
IA No. CAN 1 of 2023

Sri Raj Kapoor Jaiswal & anr.  
Vs.  
The State of West Bengal & Ors.

Mr. Nitai Chandra Saha  
Mr. Abhijit Chandra Majumder  
... For the Appellant

Ms. Chaitali Bhattacharya  
Mr. Kartik Chandra Kapas  
... For the State respondent

Mr. Biswajib Ghosh  
Mr. Sumitava Chakraborty  
... For respondent no. 9

1. This intra-Court appeal is directed against the order dated 13.02.2023 passed in WPA 9919 of 2022. The writ petition was filed alleging police inaction inasmuch as the complaint given by the appellant has not been acted upon by the respondent police. The allegation was against the 9<sup>th</sup> respondent stating that the 9<sup>th</sup> respondent is carrying on certain illegal activities. Apart from this fact, it is contended that the sale document have been forged and fabricated. Admittedly, the eviction suit is pending initiated by the erstwhile owner of the property from whom the appellant alleged to have purchased the property.

2. Learned counsel for the State submits that the 9<sup>th</sup> respondent is running the business after obtaining the licence. In the facts and circumstances of the case, it is rightly held by the learned writ court that it is purely a

private dispute in nature between the appellant and the 9<sup>th</sup> respondent and no writ of mandamus as sought for can be issued in the instant case. Needless to state, if there is any illegality committed by any party, it is always open to the respondent police to take action in accordance with law.

3. In the result, both the appeal and the connected application stand **dismissed**.

**(T. S. Sivagnanam)**  
**Acting Chief Justice**

**(Hiranmay Bhattacharyya, J.)**