

05 11.05.2023
RP Ct. No. 01
AN

MAT 641 of 2023
with
IA No. CAN 1 of 2023

Sk. Sabir Ali
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya

... For Appellant

Mr. Sachindra Nath Misra

... For Respondent No.11

Mr. Arjun Ray Mukherjee
Ms. Debapriya Mitra

... For Respondent No.12

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... For State

1. This intra-Court appeal is directed against the order dated 21st March, 2023 passed in WPA 6562 of 2020. By the said order the writ petition was disposed of by observing that the petitioner and the private respondent no.11 may approach the concerned Magistrate under Section 156(3) of Cr.P.C. in the event they are aggrieved by any decision of the New Market Police Station or Debra Police Station in refusing to register a FIR.

2. After elaborately hearing the learned advocates for the appellant and the private respondent as well as the learned advocate for the respondent State, we find that the attempt of the writ petitioner is to intervene in a dispute with regard to the administration of a B.Ed. College. Admittedly, the private respondent had approached the

Civil Court in Other Suit NO.61 of 2013 (Other Suit No.405 of 2007) on the file of the Civil Judge (Senior Division), 3rd Court, Paschim Medinipur and a decree has been obtained on 1st November, 2019 and it is admitted by the private respondent that the execution proceeding is pending. In the interregnum, the petitioner approached this Court by filing a writ petition saying that his name has been illegally used for the purpose of obtaining Fire Safety Certificate. In any event, the recognition of the college was not granted by the National Council for Teachers' Education on the ground that they are unable to produce the Fire Safety Certificate.

3. Thus, we are of the view that a private dispute is sought to be given a colour of police inaction. Therefore, we find there is no ground to interfere with the order passed by the learned Single Bench. Accordingly, both the appeal and the connected application fail and are hereby **dismissed.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)