

M/L 10
04.9.2023
Court No.26
SD

WPA 11146 of 2023
(Assigned)

Sri Saumitra Basu
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Vivekananda Bose
Mr. Saibal Krishna Dasgupta

...for the Petitioner.

Mr. Srijan Nayak
Mr. Biplab Das

...for the Respondent No.2.

Mr. Samir Kr. Dhar

...for the Private Respondent.

Mr. Biswaroop Bhattacharya, counsel appearing on behalf of the petitioner submits that this Court should intervene in the present matter and grant certain reliefs to the petitioner.

Upon perusal of the facts, it is clear that the present factual matrix does not contain any element of fundamental rights and the present writ petition is not maintainable as the dispute is between the two private parties. Furthermore, it is to be noted that a suit is also pending in respect of the petitioner and his brother.

The private respondent submits that this suit has also been dismissed for default. This disputed question of fact cannot be looked into by the writ court simply because the prayers are not amenable to the writ jurisdiction.

Without going into the merits, this writ petition is dismissed on the ground of maintainability.

Parties are at liberty to proceed in accordance with law before the appropriate forum.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)