

18.05.2023
Item No.12
Ct. No.1
PG/KS

M.A.T. 781 of 2023
With
I.A. No. CAN 1 of 2023

Mr. Dilip Kundu
Vs.
The State of West Bengal & Ors.

Mr. Asim Hati
Ms. Nandini Sharma
.....For the Appellant
Mr. Saibal Kumar Acharyya
Mr. Pradip Paul
Ms. Renesa Dey
.....For the respondent nos.4 to 30
Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
.....For the State

1. This intra-Court appeal by the writ petitioner is directed against the order dated 11th April, 2023 in W.P.A. No.18865 of 2022. The said writ petition was filed by the appellant alleging police inaction. Report was called for from the respondents/police and it was found that the allegations made by the appellant was not substantiated.
2. The learned Writ Court has recorded the submission of the private respondents that the private respondents are in possession of the property-in-question. This contention is

vehemently denied by the learned advocate appearing for the appellant.

3. In any event, the writ petition was filed alleging police inaction and the Court has prima facie found that there is no such inaction on the part of the respondents/police. Therefore, if the appellant is still aggrieved, then there are other avenues open under the provisions of the Code of Criminal Procedure, which the appellant may invoke, if so advised.
4. Thus, we make it clear that the observations of the Court based on the submission made by the private respondents that they are alleged to be in possession of the property is not a finding rendered by the Court but recording only the submission of the private respondents. Therefore, such recording will not impinge the appellant from pursuing other remedies available under law.
5. With the above observations, the appeal stands dismissed.
6. There shall be no order as to costs.

7. 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)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)