

Item No. 09

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON : 05.04.2023

DELIVERED ON : 05.04.2023

CORAM:

**THE HON'BLE ACTING CHIEF JUSTICE T. S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**MAT 900 of 2022
with
I.A. NO. CAN 1 of 2022**

**Mukhtar Ahmed @ Mukhtar & anr.
vs.
State of West Bengal & Ors.**

Appearance:-

Mr. Mahendra Prasad Gupta
Mr. Ayan Mitra
Ms. Antara Panja
Mr. Supriya Mahajan

... for the appellant

Ms. Sutapa Sanyal
Ms. Susnita Saha

... for the State

JUDGMENT

***(Judgment of the Court was delivered by The Hon'ble Acting Chief Justice
T.S.SIVAGNANAM)***

1. This intra-Court appeal filed on behalf of the writ petitioner is directed against the order dated 18.05.2022 passed in WPA 4962 of 2022. The said petition was disposed of by imposing a cost of Rs. 3500/- on the writ petitioner. The sum and substance of the writ petition is that several complaints have been lodged by the writ petitioner to the Howrah Police Station but no action has yet been taken against the said complaints rather the writ petitioner has continuously been harassed by the respondent nos. 6, 7 and 8 and it is alleged that they have dispossessed the petitioner from the property and put up a third party in possession.

2. Learned counsel for the State on written instruction submitted that based on the complaint given by the appellant, investigation was done and charge sheet has been submitted on 29.02.2020 for offences under Sections 448/427/323/506/34 of the Indian Penal Code. Though, initially, the petitioner contended that no charge sheet has been filed but during the course of the argument today, learned counsel for the appellant admitted that in the said case charge sheet has been submitted. The grievance of the appellant is that there are eight more complaints which are still pending before the Police. He further submitted that all the facts are identical and after investigation charge sheet has been laid. If at all the appellant is aggrieved he is to avail the remedies available under the provisions of the Criminal Procedure Code. The submission of the learned counsel for the State is well founded that if the appellant is aggrieved by the inaction of the police, it is always open to the appellant to avail remedies which are available under the provisions of the Criminal Procedure Code. Therefore, no further direction is required to be issued in the writ petition as

observed by the learned Single Bench in view of the fact that the charge sheet has been laid in one of the complaints lodged by the appellant.

4. Therefore, we find no grounds to interfere with the order passed by the learned Single Bench. However, considering the facts and circumstances of the case and that the appellant is a senior citizen and suffering from certain illness, the cost imposed on the appellant stands deleted.

5. Hence, the appeal stands **dismissed** and consequently the connected application also stands **disposed of**, however, without any order as to costs.

(T.S. SIVAGNANAM)
ACTING CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

RP/AN (AR.CT.)