

11 16.11.2023
NB Ct. 14

WPA 21938 of 2023

Kangal Chandra Sardar
Vs.
The State of West Bengal & Ors.

Mr. Subhendu Banerjee.
...for the petitioner.

Mr. Wasim Ahmed,
Mr. M. Shehabuddin.
...for the State.

Mr. Biswaranjan Bhakat.
...for the respondent no.4.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Although the petitioner was not a party to the civil suit being T.S. Case No.93 of 2015 pending before the learned Civil Judge (Junior Division), 3rd Court, Baruipur, South 24-Parganas, the private respondents had sent notices of summons issued to the petitioner in this regard by misusing the Court's seal. By an order dated 13.04.2023, the learned civil Court held that it was not the learned counsel of the plaintiff who was responsible for the mischief. A representation in this regard was made to the police authorities, but no FIR was registered.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. It was pointed out before

the learned civil Court about the conduct of the plaintiff. Yet, the learned civil Court did not take any steps. Unless this order is challenged, it will not be proper for the police to register a case.

Since the purported act was allegedly committed by misusing the seal of a Court when the Court was in seisin of the matter, it will be for the learned Court concerned to take action in this regard. Since the learned civil Court has decided not to direct registration of any FIR in this regard, the petitioner shall be at liberty to challenge the said order before the appropriate forum.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order may be given to the parties expeditiously, if applied for.

(Jay Sengupta, J.)