

WPA 22333 of 2023

Jaydev Mistry & another
-vs-
The State of West Bengal & ors.

Mr. Ranjan Kali
Mr. Mitul Chakraborty
Ms. Mili Saha
Ms. Payel Nath
... for the petitioners

Mr. Suman Sengupta
Mr. Dwaipayan Basu Mallick
...for the State
Mr. Prosenjit Mukherjee
Mr. Jahangir Hossain
Mr. Arghya Kamal Das
...for the private respondent

Learned counsel appearing on behalf of the petitioners alleges police inaction in connection with a complaint lodged by the petitioners. The private respondents had attacked their godown, demolished it and took away a meter.

Learned counsel appearing on behalf of the respondent denies the allegations made in the writ petition and submits that the petitioner has suppressed the fact that he had filed a civil suit praying for specific performance of an agreement. On the contrary, here he is claiming to be a tenant. The accused obtained bail in the case started against him.

Learned counsel for the State submits that there is a civil suit pending between the parties. However, on the complaint of the petitioner, a specific FIR being Burdwan

Police Station Case No. 1064 of 2023 dated 21.08.2023 was started. The same is being investigated. The Investigating Officer held several raids to apprehend the accused.

It appears that there is a civil suit pending between the private parties.

If any of the parties wants to establish any further right in respect of it, the same has to be done before a competent Civil Court.

However, so far as the allegations of the petitioner are concerned, the police have already acted and registered an FIR. The same is being investigated.

As such, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)