

10.05.2023
Court No.13
Item No. 365
pk

WPA 23192 of 2022
Sri Ranjit Dhara
Vs.
The State of West Bengal and Ors.

Mr. Subhashis Saha,
Ms. Stela Sen

... For the Petitioner

Mr. Subhabrata Datta,
Mr. Banibrata Datta

... For the State.

Mr. Tarique Quasimuddin,
Mrs. Zainab Tahur

... For the respondent nos. 8 and 9.

Mr. Pawan Kunmar Gupta,
Mr. Manish Shokla,
Ms. Sofia Nehar,
Mr. Santanu Sett,
Mr. Abhijit Bose

... For the respondent no. 4.

1. The writ petitioner was a caretaker of the premises. On the registered gift deed and assurance that a portion of the first floor would be given to the petitioner in the newly constructed building thereat by the private respondent, he vacated the building.

2. The new building has come up. The petitioner has been denied the portion of the building.

3. Admittedly, a civil suit has been filed by the petitioner in T. S. No. 288 of 2021.

4. The petitioner has already approached the Court of Magistrate in respect of earlier complaint of inaction by the Police of alleged assault by the private respondent.

5. This Court is of the view that the writ petition is in gross abuse of process of law. The writ petitioner has already availed civil remedies and is aware of the availability of remedy under Section 156(3) of the Cr. P. C. in respect of any omission by the Police to register FIR.

6. Reserving liberty to the petitioner in accordance with law, the writ petition is dismissed with costs assessed at Rs.5,100/- payable by the petitioner to the Lake Town Police Station.

7. The writ petition is disposed of.

8. There will be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)