

30.06.2023.
Court No.13
Item No. 347
ap

W.P.A. No. 26776 of 2022

**Sohel Ali Shah & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Bhagbat Chowdhuri,
Sk. Nizamuddin,
Ms. Barnali Gupta.

...For the petitioners.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioners are aggrieved that a complaint dated 4th November, 2022 addressed to the Maheshtala Police Station has not been acted upon by the police.
3. It appears from the records that the petitioners' grievance is against the private respondent, who entered into an agreement for sale but did not deliver the property paid for. The developers have, however, delivered properties to other flat owners.
4. This Court is of the view that the dispute between the developer and the petitioner is primarily civil in nature and appropriate civil or statutory proceedings may be taken out.
5. In so far as the allegation against the police is concerned, the petitioners may take steps under Section 156(3) of the Code of Criminal Procedure.

6. The report of Maheshtala Police Station dated 19th June, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta be taken on record.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)