

Form J(1)

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
Constitutional Writ Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri.**

**W.P.A. 664 of 2021**

**Tarani Kanta Ray Barman  
-Versus-  
The State of West Bengal & Ors.**

**For the Petitioner : Mr. S.M.Obaidullah, Adv.  
Ms. Ankita Dey, Adv.**

**For the State : Mr. Bikramaditya Ghosh, Adv.  
Mr. Momenur Rahman, Adv.**

**Heard & Judgment On : 7<sup>th</sup> February, 2023.**

By filing the instant writ petition, the petitioner has prayed for restraining order against the private respondent directing him not to disturb the possession of the petitioner in respect of a particular piece of land. It is the case of the petitioner that the petitioner is the rightful owner and possessor in respect of plot No.204 of Khatian No.446 of Mouza: Deokhata within police station Sitai. The private respondent started interrupting his possession since 2000. In the year 2020 he made a representation before various authorities including the Officer-in-Charge of the jurisdictional Police Station requesting him to take appropriate legal step against private respondent Naren Barman.

Grievance of the petitioner is that the police authority did not take any action against the opposite party so is the writ.

Having heard the learned Advocate for the petitioner and the learned State Counsel, this Court is of the view that the position of this Court is attempted to be relegated to the Court of the Executive Magistrate having power under Section 144 of the Code of Criminal Procedure. The petitioner did not make any formal application under Section 154 of the Code of Criminal Procedure. He also did not file any application under Section 156(3) of the Code of Criminal Procedure before the learned jurisdictional Magistrate. Even he did not file any Court complaint under Section 190 of the Code of Criminal Procedure till date. When efficacious relief of the petitioner lies everywhere, the Writ Court will not come to his help. In view of the above discussion, the instant writ petition is dismissed on contest, however, without any costs.

**(Bibek Chaudhuri, J.)**

***Mithun  
Ct No.2.  
Sl No.18.***