

OD-11

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/245/2022
SUPRATIK GHOSH
VS.
COMMISSIONER OF POLICE OF KOLKATA & ORS.

BEFORE :

THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 17th May, 2023

Appearance :
Mr. Tapas Dutta, Adv.
Mr. Mritynjoy Halder, Adv.
...for the appellant

Mr. Siddhartha Banerjee, Adv.
Ms. Jyoti Rauth, Adv.
...for the High Court Administration

Mr. Ram Mohan Pal, Adv.
...for the respondent nos.7&8

Mr. Amitesh Banerjee, Sr. Standing Counsel
...for the State

The Court : We have heard learned Counsel for the parties.

This intra-court appeal by the writ petitioner is directed against the judgment and order dated 11th August, 2021 passed in WPO No. 831 of 2021. The said writ petition was filed by the appellant praying compensation for loss of

document which was supposed to be in the custody of the Court. Earlier, the appellant had approached this Court and filed a writ petition and a direction was issued in the said writ petition to furnish a certified copy of the said document so as to enable the appellant to pursue his remedies before the civil court. It appears that in WP No.31667(W) of 2013, dated 26th June, 2018, the prayer sought for in the writ petition was to grant compensation by the State on the ground of loss of document seized by the Police authorities with regard to a complaint lodged under Section 138 of the Negotiable Instruments Act, 1991. The Court by the said order directed certified copy of the document to be furnished to the appellant and did not assess the claim for compensation. Thus, the writ petition stood disposed of only with the direction to furnish certified copy of the said document. The appellant allowed the said order passed in the writ petition dated 26th June, 2019 to attain finality and kept pursuing his remedy before the civil court which ultimately was dismissed and confirmed by this Court in revision. Thereafter, an attempt has been made by the appellant seeking for compensation inasmuch as the said compensation was not assessed when the earlier writ petition was disposed of. The appellant has chosen a wrong forum for claiming compensation. As rightly held by the Learned Single Bench, the issue raised by the appellant involves disputed questions of fact which obviously cannot be adjudicated in a writ petition.

Thus, we find no ground to interfere with the order passed by the Learned Single Bench and accordingly the appeal is dismissed.

However, it will be well open to the appellant to pursue the other remedies available under law, if so advised, before the appropriate forum.

(T.S. SIVAGNANAM, J.)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

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