

Sl.No.

10 05.11.2024

Court

No. 35

G.S.Das

WPA 19222 of 2024

Shrimati Alpana Samanta (Pandit) & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Rabindranath Mahato

Mr. Aritra Shankar Ray

... for the petitioners

Mr. Sujit Bhunia

... for the respondent nos.5&6

Mr. Jahal Lal De

Ms. Debarati Sen (Bose)

... for the State

Earlier, on 24.09.2024, a report was submitted on behalf of the State and the petitioners intended to use an Exception.

Today, again, an accommodation has been sought for by the learned advocate appearing for the petitioners.

I have considered the documents enclosed along with the writ petition and I find that by an order dated 22.05.2024 in T.S. No. 310 of 2021, the learned Civil

Judge (Jr. Divn.), 1st Court, Paschim Medinipur was pleased to direct the officer-in-charge of Debra P.S. to provide necessary police assistance to the plaintiff in the said case.

In view of the order so passed by the learned Civil Court, the remedy of the present petitioners would be by preferring an appeal before the appropriate jurisdictional Appellate Court.

Learned advocate for the petitioners submits that they are in possession.

Be that as it may, until and unless the order of the learned Civil Judge is varied, this court while exercising its jurisdiction under Article 226 of the Constitution of India will not interfere and act as an Appellate Court to the order passed by the learned Civil Judge (Jr.

Divn.), 1st Court, Paschim Medinipur.

The petitioners are directed to approach the appropriate Appellate Court and explore other remedies under the provisions of the cr.p.c. As such, no interference is called for by this court at this stage.

With the aforesaid observations, WPA 19222 of 2024 is **Disposed of**.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)