

W.P.A 22139 of 2024

**Ali Hossain Shaikh
-versus
The State of West Bengal & Ors.**

**Mr. C.R. Chakraborty
Mr. Abdur Rahman
Mr. M.A. Rahaman
Ms. Puspa Rani Jaiswara
...for the Petitioners**

**Mr. Ayan Banerjee
Mr. Santanu Sett
..for the State**

**Mr. Sumit Banerjee
..for the private respondents**

Affidavit of service filed in Court today is taken on record.

Considering the issues involved in the writ petition and the reliefs claimed therein, it appears to this Court that the dispute is purely civil in nature for which the appropriate forum for the petitioner is the jurisdictional civil court.

In view of the above, this writ petition being **WPA 22139 of 2024** stands **dismissed**, without any order as to costs.

However, the petitioner shall be at liberty to initiate appropriate civil action on the self same cause of action before the jurisdictional civil court in accordance with law.

In the event such a civil suit is filed by the petitioner before the jurisdictional civil court within a period of two months from date, the jurisdictional civil court shall proceed with the same and shall come to its logical conclusion in accordance with law as expeditiously as possible.

Insofar as the police complaint is concerned at page 39 to this writ petition lodged before the jurisdictional police station, this Court expresses no opinion on it and the petitioner shall be at liberty to proceed in accordance with law.

It is made clear that neither the jurisdictional criminal court nor the jurisdictional civil court shall be influenced by any observation made by this Court. They shall proceed in accordance with law.

Since the affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)