

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1556 of 2025

IA NO: CAN/1/2025

Sujit Kundu & Anr.

vs.

The State of West Bengal & Ors.

For the Appellants : Mr. Sanjib Seth, Advocate

For the State : Mr. Suman Sengupta, Advocate
Ms. Amrita Panja Moulick, Advocate

For the Respondent
No. 7 : Mr. Simanta Kabir, Advocate
Mr. Avik Pramanick, Advocate

Heard & Judgment on : 26.09.2025.

Debangsu Basak, J.:-

1. Appeal is directed against an order dated August 7, 2025 passed in W.P.A. 17103 of 2025.
2. Appeal is at the behest of the writ petitioners.

3. By the impugned order, learned Single found, civil disputes between the private parties and therefore, exercised discretion in not entertaining the writ petition.
4. Learned Single Judge granted liberty to the parties to approach the civil court for necessary remedies.
5. Learned advocate appearing for the appellants submits that, the appellants was carrying on tailoring business at a shop as tenants. Trade Licence and electricity bill stood in the name of the appellants. The Electricity Distribution Company changed the name of the consumer from that the appellants to the private respondent, although, keeping the consumer number as the same.
6. In response to a query of the Court learned advocate appearing for the appellants submits that, the electricity bill was not annexed to the writ petition.
7. In response to another query of the Court, learned advocate appearing for the appellants submits that, the complaint to the distribution company was not annexed either to the writ petition or to the stay petition before us.
8. Learned advocate appearing for the appellants submits that, the appellants were called to the police station by civil volunteer. On the appellants visiting the police station in response to such direction on April 12, 2025, the appellants were asked to make over keys of the shop to the police station.

9. In response to the query of the Court as to whether appellants put such fact of making over keys to the police, learned advocate appearing for the appellants submits that, the same was not done although there is a police complaint dated July 3, 2025.
10. State and the private respondent are represented.
11. Apparently, there are disputes inter se between the private parties. Private respondent claims to be the wife of the brother of the appellant no.1. Such claim is disputed on behalf of the appellant.
12. The private respondent approached the jurisdictional Magistrate under the provisions of the BNSS which was disposed of by an order dated June 25, 2025.
13. Appellants in the writ petition prayed for handing over keys of the shop room concerned subsequent on the disposal of the proceedings filed by the private respondent before the Executive Magistrate on June 25, 2025.
14. There is no contemporaneous document recording that the appellants made over the keys to the shop room to the police at the instance of the police. The complaint dated July 3, 2025 lodged by the appellants subsequent to the alleged handing over of the keys to the police on April 12, 2025 does not contain any statement to such effect.
15. Allegation of police over action remains unsubstantiated.
16. As noted above, there are civil disputes inter se amongst the private parties. As rightly noted by the learned Single Judge, in so far as the

right, title, interest and possession of the properties is concerned, liberty was given to the parties to approach the civil court for appropriate remedies.

17. We found no ground to interfere with the order impugned.

18. M.A.T. 1556 of 2025 along with connected application being CAN/1/2025 are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

19. I agree.

(Md. Shabbar Rashidi, J.)