

03
05.12.2025
Ct. No.5
b.das

WPA 27855 of 2023

**Uttam Kamila
Vs.
The State of W.B. & Ors.**

Mr. Raja Biswas
Ms. Trisha Saha ...for the petitioner.

Mr. Suman Sengupta
Mr. Pradyot Kr. Das ...for the State.

Mr. Suranjan Mandal
Ms. Mousumi Biswas ..for the private respondents.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the private respondents who are distantly related to the sister of the petitioner took loan from her and verbally transferred a property in her favour in lieu of the said loan.

The said sister raised construction in the property and was living therein. She fell ill and was admitted to the hospital. She was thereafter shifted to another hospital by the private respondents where she expired.

The petitioner alleges that the private respondents have taken possession of all her movable and immovable properties and has put a padlock to her residential house. When the petitioner visited the private respondents he was brutally assaulted. He lodged a complaint before the police which was not considered.

Subsequently, he filed an application under Section 156(3) of the Code of Criminal Procedure before the learned Chief Judicial Magistrate, Kakdwip which was registered as a complaint case. The police has not taken any steps pursuant to such registration.

It appears from the report submitted by the State that the complaint case was dismissed for non prosecution, since the petitioner did not take steps before the learned Magistrate.

Learned counsel for the private respondents submits that the dispute is purely civil in nature.

Since the complaint case was dismissed for non prosecution by the learned Magistrate, the petitioner is at liberty to take necessary steps before the learned Magistrate in accordance with law.

The civil angle to the dispute needs to be dealt with by the appropriate civil forum.

With the above observation and instruction, the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)