

17.12.2025
rc/ct.no.05
Item No.39

WPA No. 28030 of 2025
Biswajit Sarkar & Ors.
Versus
The State of West Bengal & Ors.

Mr. Bidyut Kumar Halder	
Mr. Indranil Halder	
Ms. Neha Singh	..for the Petitioners
Mr. Wasim Ahmed	
Md. Shehabuddin	for the State

Affidavit of service filed by the petitioners is taken on record.

None appears for the private respondents despite service.

Learned counsel for the petitioners submits that the petitioners entered into an agreement for purchase of the property in question with the private respondents and paid Rs.3.00 lakhs as earnest money. The petitioners were unable to purchase the property due to financial stringency and sought refund of the earnest money in terms of Clause 6 of the agreement. After filing the writ petition Rs.2.00 lakhs have been refunded by the private respondents and Rs.1.00 lakh is still due.

Learned counsel for the State submits that the dispute is purely civil in nature and may be dealt with by the civil court.

It is a fact that the dispute is civil in nature. The petitioner is at liberty to approach the civil forum for redressal of his grievance.

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)