

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 4886 OF 2026

GOPAL DAS
VS.
THE STATE OF WEST BENGAL AND OTHERS

Mr. D. Mukherjee, Adv.
Mr. Shuvam Kanjilal, Adv.
...for the Petitioner

Mr. K.J. Yusuf, AGP
Mr. Kazi Sajjad Alam, Adv.
...for the State

Mr. Sounak Bhattacharya, Adv.
Mr. Sounak Mandal, Adv.
...for the Respondent No.5

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner by filing this writ petition has prayed for direction upon the concerned police authorities to register FIR taking note of the complaint dated 7th January, 2026.
3. It is submitted on behalf of the petitioner that inaction on the part of the police authorities in registering the FIR prompted the petitioner to approach this Court with the present writ petition.
4. Learned advocates representing the State respondents and the respondent no.5 have jointly opposed this writ petition and have submitted that writ petition is not maintainable as the prayer is made for registering FIR by the police authorities.

5. Apart from this, it is also contended on behalf of the respondents that issue involved in this writ petition concerns ownership of the land in question and the dispute is civil in nature.
6. If petitioner is aggrieved by the inaction of the concerned police authorities in registering FIR, petitioner needs to approach the jurisdictional Magistrate under Section 175 *vis-à-vis* Section 210 of BNSS. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in ***(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)***.
7. Hence, no relief can be granted in this writ petition.
8. Writ petition stands dismissed.
9. However, this order shall not preclude the petitioner to take steps, in accordance with law, by approaching the jurisdictional Magistrate in pursuit of remedy.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)