

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 7784 OF 2026

**MS. SANCHITA BHATTACHARJYA
VS.
THE STATE OF WEST BENGAL AND OTHERS**

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Mr. Arkaprava Sen, Adv.
Ms. Deboleena Mukherjee, Adv.
Mr. Sayantan Kar, Adv.

... For the Petitioner

Mr. Suryaneel Das, AGP
Ms. Anita Kundu, Adv.
Mr. Bhaskar Bhattacharyya, Adv.

...For the State

1. Matter is taken up for consideration in presence of the learned advocates representing the petitioner and the State respondents.
2. Petitioner alleges unauthorized construction by the additional respondent prompting the petitioner to approach this Court with the present writ petition.
3. Prayer is made in this writ petition that in spite of complaint lodged by the petitioner with the concerned police authority, steps have not been taken requiring the petitioner to approach this Court seeking direction upon the concerned police authority.
4. Learned advocate representing the State respondents has submitted a communication dated 16th June, 2026 of Officer-in-Charge, Tarapith Police Station, Birbhum and same is taken on record. Copy of the said communication dated 16th June, 2026 is made over to the learned advocate representing the petitioner.
5. It is disclosed in the communication dated 16th June, 2026 that based on the complaint lodged by the petitioner a non-cognizable report being no.112 of 2026 dated 28th March, 2026 was submitted for maintaining peace at the locale.

6. If petitioner is aggrieved by inaction on the part of the police authority in not registering FIR, in that event, petitioner shall be at liberty to approach jurisdictional Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023. 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. In view of availability of alternative remedy, present writ petition is not entertained.
8. Hence, writ petition stands dismissed.
9. However, this order shall not preclude the petitioner to approach 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.)