

15.06.2026  
Ct. No.5  
Sl. No.19  
akd

**W. P. A. 11455 of 2026**

*[Monoj Kumar Shaw -Vs- The State of West Bengal & Ors.]*

Mr. Bidyut Kumar Halder  
Ms. Neha Singh

... ... for the petitioner

Mr. Suryaneel Das .. Id. A.G.P.  
Ms. Suchitra Sinha Chatterjee  
Ms. Sumita Sarkar

... ... for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. It is submitted by the learned Advocate representing the petitioner that in spite of making payment for purchasing a flat, neither money has been returned to the petitioner nor flat is provided. It is also submitted that due to failure on the part of respondent no. 4 to comply with the terms of agreement a complaint was lodged with the concerned police station. Direction is sought for upon the police authorities for taking necessary steps which would facilitate the petitioner to get the flat.
3. State-respondents are represented by learned Advocate who has opposed this writ petition and it is submitted that the issue involved in this writ petition is civil in nature.
4. On perusal of the complaint dated 11.12.2025 it appears that an agreement was made between the petitioner and Developer on 30.04.2019 for purchasing the flat. If after making payment flat is not provided to the petitioner, petitioner is required to approach civil court for violation of terms of agreement. Police authority is not the appropriate

authority to decide the niceties of violation of conditions as per agreement made between the petitioner and Developer.

5. Hence, present writ petition is not maintainable and same stands dismissed.

6. However, this order shall not preclude the petitioner to approach the civil court in pursuit of remedy.

7. There shall be no order as to costs.

8. Let urgent Photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**