

March 19, 2026
Sl. No.9
Court No.1
s.biswas

FMA 4688 of 2016

*Sirajul Hoque @ Sirajul Haque Mulick
and others*

vs.

The State of West Bengal and others

Mr. P. Mukherjee

Mr. N. K. Dey

Mr. Jahangir Hossain

... for the appellants

Dictated by Sujoy Paul, C.J.

1. Mr. P. Mukherjee, learned counsel for the appellants is heard on admission.
2. This intra-court appeal is filed by private respondent of W.P. 14279(W) of 2016 against the order dated 05.08.2016. On perusal of the order impugned shows that learned Single Judge opined that the dispute is private in nature and the writ petition is not the correct remedy. However, it is observed that it will be open to the petitioner to pursue his pending proceeding under Section 144 of the Cr.P.C. and also it will be open to initiate any other action under the criminal law. By this portion of the order, the appellant is aggrieved.

3. In our considered opinion, the learned Single Judge has not given any finding which touches upon the merit of the matter and made it only open to the litigant/petitioner to institute/prosecute the proceedings. Whether or not learned Single Judge has made such observation, the said liberty is always there with a litigant. No portion of the impugned order troubles the respondent no.5/appellant. the appellant will be at liberty to take all possible objection in a proceeding if filed by the original petitioner. No case is made out for interference. Admission is declined. Petition is **dismissed** with aforesaid observation.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)