Item-83.

08-10-2026

sg

Ct. 758

WPA 25081 of 2025

Anil Kumar Maheswari
Versus
The State of West Bengal & Ors.

Mr. Kushagra Shah
Mr. Sourish Roy
…for the respondent nos. 5-9

1. A prayer for accommodation was made yesterday on behalf of the petitioner which was allowed. Today, none appears on behalf of the petitioner.
2. The leaned advocate appearing for the respondent nos. 5 to 9 appears and draws the attention of this Court to the reliefs claimed in the writ petition. It appears that the present writ petition has been filed upon being aggrieved by the police authority not having taken any steps pursuant to the representations dated 6th March, 2025 and 12th April, 2025. The said letters are appearing at pages 54 and 48 of the writ petition.
3. Perusal of the said letters addressed to the Commissioner of Police, reveals that the petitioner alleges that the petitioner had file a Title Suit No. 1761 of 2024 before learned Judge, 3rd Bench, City Civil Court at Calcutta against the private Respondents wherein the petitioner obtained an interim order of injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908.
4. The petitioner alleges that some unknown persons at the behest of the private respondents, have violated the order of injunction and such fact was brought to the attention of the police authorities. Allegedly, Police authorities have failed to take any steps in the matter and as such this writ petition.

5. This Court has considered the submission of the private respondents and materials on record.
6. It appears that the present writ petition is misconceived. The petitioner is aggrieved by any act of disobedience of the order of injunction. The appropriate remedy is to file an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 before the same Court which has passed the interim order of injunction.
7. Since the petitioner has an alternative statutory remedy the present writ petition, as conceived, is not maintainable. Furthermore, the fact that the entire dispute is already pending adjudication before a competent civil court, this Court in exercise of its power under Article 226 of the Constitution is not inclined to enter upon and adjudicate private civil disputes.
8. Without going into the merits of the claim of the petitioner, WPA 25081 of 2025 is, accordingly, dismissed with no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for be supplied to the parties upon compliance of all requisite formalities.

(Anuj Singh, J.)