

28.01.2026
Item No.09
Ct. No.01
RP

MAT 2298 of 2025
+
IA No.CAN 1 of 2026

Purabi Saha
VS
The State of West Bengal & Ors.

Mr. Amitava Ghosh
...For Appellant
Mr. Souma Subhra Roy
Ms. Aditi Chatterjee
Mrs. Anushree Mondal
Ms. Neelam Kumari
...For Private Respondents
Mr. Amalesh Roy, Sr. Adv.
Ms. Mousumi Bhowal
...For Respondents No.5 and 6
Mr. Jahar Lal De, AGP
Mr. Ranjit Rajak
...For State

PER, SUJOY PAUL, CJ.:

1. Affidavit-of-service filed in Court today is taken on record.
2. Parties are represented through their respective learned counsels.
3. In this intra-Court appeal the appellant/writ petitioner has assailed the order dated 27.11.2025 passed in WPA 25292 of 2025.
4. The appellant/writ petitioner filed the writ petition mainly praying for an impartial

enquiry be conducted in relation to her complaint dated 9th October, 2025 (Page 81 of CAN 1 of 2026) and take appropriate action in accordance with law.

5. Before the learned Single Bench a police report was filed. It was noticed that as per the stand of the private respondents petitioner's father sold out the property to Partha Sarathi Mitra and Amitava Mandal and the private respondents have entered into the development agreement in respect of the said property with the said owners.
6. Learned counsel for the appellant submits that the learned Single Judge erred in holding that since dispute appears to be civil in nature, both parties are claiming title in respect of the property in question the appropriate remedy is before the civil Court.
7. Learned counsel for the appellant submits that appellant's complaint dated 9th October, 2025 should have been reduced in writing in the shape of FIR. Learned Single Judge ought to have examined the sale deed and documents

allegedly procured by the private respondents. Its genuineness could have been examined by the learned Single Judge. In addition, the learned Single Judge ought to have seen that title was gained by the private respondents as projected by them decades ago despite that they have not got the land/property mutated in the revenue/municipal record.

8. In the opinion of this Court, the singular relief claimed by the appellant was for registering her complaint dated 9th October, 2025 as FIR. On a specific query from the Bench the learned counsel for the appellant informed that the said complaint has not been registered as FIR even till date. In the opinion of this Court, if appellant is aggrieved by non-registration of complaint as FIR, remedy is elsewhere. In the case of Sourav Mitra vs. Swati Chakraborty Bhattacharya & Ors. Reported in 2025 SCC OnLine Cal. 9425 this Court held that appropriate remedy against police inaction is the remedy under the relevant sections of CRPC/BNSS. Thus, no relief was

granted. So far, the question of title, genuineness of title documents, non-mutation of property is concerned, these aspects cannot be gone into in a writ application. Learned Single Judge has taken a plausible view while relegating the parties to approach the civil Court. No case is made out for interference and interference is declined. Accordingly, the appeal and the connected application are dismissed.

9. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL,CJ.]

[PARTHA SARATHI SEN, J.]