

January 8, 2026
Sl. No.11
Court No.1
s.biswas

FMA 83 of 2025
With
CAN 1 of 2024

Abhyam Makharia
vs.
The State of West Bengal and others

Mr. Biswajit Konar
Mr. Arijit Mahinder

... for the appellant

Mr. Swapan Banerjee
Mr. Soumen Chatterjee

... for the State

Per, Sujoy Paul, A.C.J.

1. Parties are represented through their respective learned counsel.
2. This intra-court appeal assails the order dated 28.11.2024 passed in WPA 27763 of 2024 whereby the writ petition filed by the petitioner was disposed of by reserving liberty to him to approach the Civil Court for the present grievance.
3. Learned Single Judge passed the said order considering the nature of civil dispute between the parties and also existence of disputed question of fact. On specific query from the Bench, learned counsel for the appellant pointed out only one alleged illegality in the order impugned by contending that the police has registered an offence under Section 223 of the BNS whereas a graver offence was committed. Despite repeated query, no answer is forthcoming as to how this aspect can be gone into in a writ

petition. If offence is not properly registered, the remedy is elsewhere. In absence of showing any illegality in the impugned order, interference is declined. The intra-court appeal is **dismissed**. With the dismissal of the instant appeal, CAN 1 of 2024 is also dismissed.

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)