

ORDER SHEET
WPO/926/2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RAHUL JAISWAL
-VS-
THE STATE OF WEST BENGAL AND ORS

BEFORE:
HON'BLE JUSTICE SAUGATA BHATTACHARYYA
DATE: 06.05.2026

Ms. S. Saha, Adv.; Mr. K. Bhattacharyya, Adv.; Mr. S. Ganguly, Adv., for petitioner.

1. THE COURT: Exception is filed on behalf of the petitioner in terms of the order dated January 22, 2026, passed by a co-ordinate Bench and the same is taken on record.
2. Complaint of the petitioner is dated April 30, 2025 which was addressed to the Officer in Charge, Ahmerst Street Police Station, Kolkata, being respondent no.7, which is at pages 152-154 of the writ petition.
3. On perusal of the said complaint dated April 30, 2025, it appears that dispute arose concerning a development agreement in between the petitioner and respondent no.8. It is alleged in the said complaint dated April 30, 2025 that relevant documents relating to the development agreement were not supplied to

the petitioner which prompted the petitioner to approach the concerned police authority for taking necessary steps.

4. Communication dated January 15, 2026 of Officer in Charge, Ahmerst Street Police Station, Kolkata is perused wherein it is disclosed by the concerned police authority that issue involved in the writ petition is civil in nature. Moreover, a title suit being no.2879 of 2025 is pending before the 10th Bench, City Civil Court at Calcutta at the instance of the respondent no.8. Particulars of the GD entries are also disclosed in the communication dated January 15, 2026.
5. Having heard the learned Advocate representing the petitioner and taking note of the contents of the communication dated January 15, 2026, it transpires that the issue involved in this writ petition is civil in nature. The police authorities are not the appropriate authorities to decide inter se right of the parties over the property in question.
6. This order shall not preclude the petitioner to approach the Civil Court in pursuit of remedy. In the event the petitioner is aggrieved by inaction on the part of the police authorities by not registering FIR based on the complaint lodged by the petitioner, the petitioner shall also be at liberty to approach the jurisdictional Magistrate under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
7. In view of availability of alternative remedy, the present writ petition is not entertained. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2007) 6 SCC 171 (Alique Padamsee & Ors. -vs- Union of India & Ors.)**.

8. The writ petition stands dismissed.
9. Parties to act on the server copy of this order.

(SAUGATA BHATTACHARYYA, J)

tk