

Kamala Indra and ors. Vs. State of West Bengal and ors.

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Court : Kolkata

Decided On : Oct-27-2010

Judge : Dipankar Datta, J.

Appeal No. : WP No. 1409 of 2008

Appellant : Kamala Indra and ors.

Respondent : State of West Bengal and ors.

Judgement :

The Court : The petitioners complain of inaction of the police authorities to extend assistance to them for the purpose of repairing/renovating their premises when approached on being obstructed by their tenants who, allegedly, have no authority to do so.

Learned Advocate for the petitioners contends that the learned Magistrate was approached by filing an application under Section 144(2) of the Code of Criminal Procedure and despite there being direction on the police to ensure that no breach of peace takes place, the police has failed to act. It appears that order was passed by the learned Magistrate as far back as in 2008. The statutory period is already over.

In my considered view, the dispute between the petitioners and the private respondents is civil in nature and the ordinary laws of the country provide remedy for the petitioners. I am not inclined to exercise writ powers since public law

element seems to be absent. It shall be open to the petitioners to pursue the channel of civil litigation for relief.

The writ petition stands disposed of. No costs.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

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