

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 10696 OF 2026

**SK. QUDRATULLAH @ KUDRATULLAH AND ANOTHER
VS.
THE STATE OF WEST BENGAL AND OTHERS**

.....

Mr. Sabyasachi Chatterjee, Adv.
Ms. Monalisha Sinha, Adv.

...for the Petitioners

Mr. Pawan Kumar Gupta, Adv.
Ms. Priyabrata Mukherjee, Adv.
Ms. Sofia Nesar, Adv.
Mr. Santanu Sett, Adv.
Mr. Waheed Ahmed, Adv.

...for the Respondent Nos.5-8

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Matter is taken up for consideration in presence of the learned advocates representing the petitioners and respondent nos.5 to 8.
3. However, State respondents are not represented.
4. Learned advocate for the petitioners has submitted that inaction on the part of the concerned police authority in transforming petitioners' complaint into an FIR by registering a case compelled the petitioners to approach this Court with the present writ petition.
5. Prayer is couched in this writ petition seeking direction upon the concerned police authority to register a case based on the complaint lodged by the petitioners.
6. However, on perusal of the complaint which is at pages 31 and 32 of the writ petition, it appears that the dispute in between the parties pertains to tenancy.
7. Considering the grievance raised on behalf of the petitioners, this Court finds that there is an alternative remedy available to the petitioners to approach the

jurisdictional Magistrate under Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in *(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)*.

8. In view of availability of alternative remedy, present writ petition is not entertained.
9. Hence, writ petition stands dismissed.
10. However, this order shall not preclude the petitioners to approach the appropriate forum in pursuit of remedy.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)