

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 22515 OF 2026

ASHIM KUMAR HALDER AND ANOTHER

VS.

STATE OF WEST BENGAL AND OTHERS

.....

Mr. Debarshi Bramha, Adv.
Mr. Subarna Banik, Adv.
Mr. Sayantan Maity, Adv.

...For Petitioners

Mr. Indrajit Roy Chowdhury, AGP
Mr. Partha Sarathi Basu, Adv.

...For State

Mr. Sumanta Das, Adv.

...For Respondent Nos.6 & 7

1. Affidavit-of-service filed on behalf of petitioners is taken on record.
2. Matter relates to taking possession of a shop room which is also claimed by the petitioners. Placing reliance on an order dated 11th August, 2025 passed on a writ petition being *WPA 17313 of 2024*, which was preferred by petitioners, it is submitted that a complaint was lodged before the concerned police authority but that did not yield any result. Petitioners pray for direction upon the concerned police authority to take steps based on complaint lodged.
3. State respondents are represented by Mr. Indrajit Roy Chowdhury, learned Additional Government Pleader who opposes this writ petition and it is submitted that issue centers around possession of a shop room and it is further contended that after demise of father brothers are claiming possession over the said shop room giving rise to a family feud, resultantly complaint is lodged.

4. If petitioners find that steps are not being taken based on the complaint lodged before the concerned police authority, in that event, petitioners shall be at liberty to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023. In this regard, reliance is placed on judgment of the Hon'ble Supreme Court reported in *(2007) 6 SCC 171 (Aleque Padamsee and others vs. Union of India and others)*.
5. Due to availability of alternative remedy, present writ petition is not entertained and same stands dismissed.
6. However, this order shall not preclude petitioners to approach jurisdictional Magistrate in pursuit of remedy.
7. Parties to act on the server copy of this order duly downloaded from the official website of this court.

(SAUGATA BHATTACHARYYA, J.)