

WPA 24209 of 2026

**West Bengal M.R. Distributors' Association
& Anr.**

Vs.

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharyya

Mr. Abhijhit Roy Choudhury

...for the petitioners

Ms. Shetparna Roy

Mr. Rajdeep Mantha

...for the State

Mr. Sirsanya Bandopadhyay

Mr. Arkadipta Sengupta

Ms. Ria Naskar

Ms. Ankita Ghosh

...for the respondent nos. 8

1. Matter is heard in presence of learned advocates representing petitioners, State respondents and respondent no. 8.
2. Mr. Bhattacharyya, learned advocate representing petitioners submits that there is inaction on the part of concerned police authorities in taking steps based on complaint lodged prompting the petitioner to approach jurisdictional Magistrate under Section 175(3) BNSS 2023 seeking direction upon the concerned police authorities to register FIR. It is also submitted that previously application was heard by the jurisdictional Magistrate and report was called for from concerned police authority.

3. Mr. Bandopadhyay, learned advocate representing respondent no. 8 has raised preliminary issue of maintainability of writ petition in view of availability of alternative remedy under Section 175(3) BNSS 2023, if complaint of petitioner is not transformed into an FIR. Reliance is placed on the judgment of Hon'ble Supreme Court reported in **2026 SCC OnLine SC 798 (Sujal Vishwas Attavar and Anr. Vs. State of Maharashtra and Ors.)**.
4. State respondents are represented by learned advocate.
5. It is settled proposition of law that in the event complaint is not transformed into an FIR and there is allegation of inaction on the part of police authorities, approach has to be made within the statutory framework as it was observed by the Hon'ble Supreme Court in paragraph-7 of **Sujal Vishwas Attavar** (supra).
6. In view of availability of alternative remedy present writ petition is not entertained and same stands dismissed.
7. However, this order shall not preclude the petitioners to pursue remedy before the jurisdictional Magistrate and this Court is informed that steps have already been taken by filing an application under Section 175(3) BNSS 2023 before the Magistrate.

8. Parties to act on server copy of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)