

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Through Video Conference)

WPA 5586 of 2021

Yeasin Ali Sk. & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sujit Kumar Rath

Mr. Sukumar Sarkar

Mr. Anirban Saha

... For the petitioners

Mr. Bibek Jyoti Basu

Mr. Uttam Kumar De

... For the State

Affidavit of service filed in Court today is taken on record.

The petitioners allege police inaction in respect of a complaint made on 12th February, 2021 as against the respondents no.7 and 8. On a perusal of the complaint, it appears that the petitioner no.1's prayer to the respondent no.4 is to stop the work in the area said to be covered by the order passed in an application under Section 144(2) of the Code of Criminal Procedure, 1973 (in short "Cr.PC"). It also appears that the petitioner no.1 is complaining of construction in an unauthorised manner. The petitioners' main grievance relates to the infringement of petitioners' right to use and enjoyment of a property.

The correctness as to the petitioners' allegation or the counter-rights, if any, of the respondents no.7 and 8

cannot be adjudicated by the police authorities. The police authorities, therefor, cannot be hauled up for any inaction in view of the nature of dispute projected by the petitioners.

The writ petition is disposed of by granting the petitioners liberty to take such legal steps as may be advised in accordance with law on the selfsame cause.

Nothing further remains to be adjudicated in this writ petition.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)