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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7404 of 2021

IQ City Foundation & Anr.
Vs.
State of West Bengal & Ors.

Mr. Suddhasatwa Banerjee,
Ms. Alakananda Das
... For the petitioners.

Mr. Debashis Sarkar
... For the State.

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

The petitioner is a society represented by
its President, being petitioner no.2. The petitioners
allege police inaction on the ground that the
petitioners maintain a township wherein a hospital
under the name and style of IQ City Medical College
and Hospital (hereinafter referred to as the said
hospital) is operated. It appears that in course of
functioning of the said hospital, certain contractual
personnel were engaged through contractors. A
couple of such personnel on being removed by the
contractors through whom they were engaged caused
and/or instigated to cause severe law and order
problem in and around the hospital. A police
complaint was lodged on the basis whereof a First

Information Report (in short, FIR) was registered. After investigation, the same culminated into filing of charge sheet. The accused persons were in the meantime enlarged on anticipatory bail. Pursuant thereto these persons along with other associates have been causing regular disturbance in the smooth functioning of the township wherein the hospital is situated. The petitioner has made complaint to the police authorities but no effective step has been taken by the police authorities for which the petitioners allege police inaction.

On behalf of the State, it has been submitted that there is no truth in the allegation as to police inaction. The police had acted in terms of the complaint and had registered an FIR. After completion of the investigation, charge sheet has been filed. The dispute, according to the State respondents, is *inter se* between the petitioners and the contractors or the labourers, engaged through such contractors. It is due to such *inter se* dispute that the situation in and around the hospital or inside the township may have deteriorated. The police authorities cannot resolve such disputes or the dispute between the petitioners and its contractor. The writ petition is, therefor, required to be dismissed as there is no semblance of police inaction in the matter.

In reply, the petitioners say that they are only asking for protection of their life and property from the police personnel as there exists severe threats of life and property which the police authorities are required to provide. The petitioners submit that at their own cost a police picket may be set up at the two gates of the township so that the persons who are causing disturbance by entering into the township or in and around the hospital may be checked and/or restrained from carrying out the illegal activities.

After considering the submissions made by the parties and the materials on record, I find that it will be an impractical direction if the police authorities are directed to guard the entire township round the clock days together as it requires deployment of huge number of police personnel. The police authorities, however, have a bounden duty to protect the life and property of a citizen.

Since there is a hospital which is functioning and the pandemic is still in continuance, I direct the respondent no.4, being the Inspector-in-Charge, Durgapur, Asansol, to see that the free ingress and egress of the staff, doctors, patient and patient parties to the said hospital is ensured and there is no breach of peace in and around the said area.

The petitioner will be free to approach the respondent no.4 for installation of police picket in accordance with law at their own cost. The respondent no.4, if considers it to be fit, may at the cost of the petitioners deploy such police personnel to look into the safety and security of the hospital.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained 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 with the necessary formalities.

(Arindam Mukherjee, J.)