

Ct. 05
Item No.45
17.11.2021
(suvendu)

WPA 17056 of 2021

[Via Video Conference]

**Sutapa Bhattacharyya & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. R.N.Majumdar
Mr. Sourjya Das
Ms. Suparna Roy Das
Mr. Subrata Das
.....for the petitioner

Mr. Pantu Deb Roy
Mr. Amit Kumar Ghosh
Mr. Pritish Basu
.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

The prayer of the petitioners is for an
order of injunction restraining the respondent nos.
1 to 3 from resorting to any unlawful action to
dislodge the petitioners from their living quarters
or disturbing the petitioners in any manner
whatsoever.

It appears from the submissions of
learned counsel appearing for the petitioners that
the petitioners are being tortured by some persons
who live in the quarters where the petitioners are
presently living. Counsel places a photograph

which shows some people standing on the ground floor of the building in the dark. There is no evidence, however, that these people are connected to the respondent nos. 1, 2 or 3, being the Union of India, the Chairman of Bharat Sanchar Nigam Limited and the Chief General Manager of Bharat Sanchar Nigam Limited respectively, in any manner howsoever. Counsel is unable to show any document to link this people to any State authority which is required for a writ petition to be filed under Article 226 of the Constitution of India. A representation made to the of Bharat Sanchar Nigam Limited appears to have been responded to by letter of the said authority asking the petitioners to appear before a committee to represent the petitioners' case. Counsel submits that the petitioners did not appear at such hearing.

The State is represented.

Upon perusing the documents, this Court is of the view that the complaints in the present case are of personal in nature without any evidence to show that the complaints are directed against a State authority. Even if it is assumed that this is a case for police inaction, this Bench has no determination to entertain the same.

The writ petitioners are therefore directed to approach before the appropriate Bench if at all writ petitioners can show that the grievance relates to an action of Bharat Sanchar Nigam Limited or any other State authorities.

WPA 17056 of 2021 is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)