

Court No. 2

23.09.2021

(Sl. 76)

(S. Banerjee/BP)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 1262 of 2021

Pradipta Sarkar
Vs.
State of West Bengal & Ors.

(Via Video Conference)

Mr. Joyjit Choudhury
Mr. Sandip Kumar Singh
... for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman
... for the State

The petitioner is aggrieved by the FIR registered with the Panitanki Police Outpost under Siliguri Police Station dated 1st August, 2021. It appears from the complaint that thirteen persons who were working in the restaurant being run by the petitioner, were found without facial mask in violation of provisions of Disaster Management Act and guidelines issued in connection therewith.

Counsel for the State submits that further investigation reveals that the said persons were not even vaccinated.

Counsel for the petitioner submits that this is an over-action on the part of the police authorities in answer to the restraint order passed by the learned Civil judge (Junior Division), Siliguri

in T.S. No. 145 of 2021 dated 26th July, 2021 against the Siliguri Municipal Corporation.

This court is of the view that there is no connection whatsoever between the actions of the police under the subject complaint and the injunction of the Civil Court as referred to hereinabove. The restraint order is not even against the police.

In that view of the matter, this court is of the view that the writ petition is thoroughly a misconceived, baseless and motivated and therefore is dismissed with a costs assessed at Rs. 11,000/- payable by the petitioner to the office of the Commissioner of Police, Siliguri.

(Rajasekhar Mantha, J.)