

23.03.2022

Ct. No. 13

Sl.19

pk

W.P.A. 4547 of 2022

**Joydeb Kolay
Versus
State of West Bengal and others**

Mr. Biswaroop Biswas,
Mr. Nirmalendu Bera,
Mr. Gora Chand Samanta

....for the petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the State.

The writ petitioner is aggrieved that the private respondents are interfering with and obstructing his nursery business.

It is submitted that despite repeated complaints, local police have not taken any steps.

Counsel for the State submits instructions of the Inspector-in-Charge, Bishnupur Police Station, which is taken on record. It appears from the instructions that due to the heavy traffic arising from the petitioner's nursery in connection with his business, roads maintained by the Panchayat are regularly damaged.

The local residents, who otherwise have no objection to the petitioner's business, are only unhappy of the damage being caused to the local roads at the instance of the petitioner.

The local Panchayat is also stated to have called upon the petitioner to repair the road in question.

It is further submitted that charge sheet being No. 106 of 2022 dated 26.02.2022 under Sections 341/323/354/506/34 of the IPC has already been filed against 11 persons.

Be that as it may, this Court directs the petitioner to forthwith contribute appropriate sums of money to cover the costs necessary to ensure permanent repairs of the entire road used by the vehicles, to transport the goods to and from the petitioner's nursery.

Such contribution shall be made to the local Panchayat and the Panchayat shall undertake constructions of the road as expeditiously as possible.

This Court, therefore, finds no inaction on the part of the police.

In the event the petitioner submits a request for any protection from the Bishnupur Police Station, the same shall be attended to immediately but at his own cost.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)

