

S/L 36
14.6. 2022
Court. No. 19
Sn

WPA 5353 of 2022

Sandipan Chakrabarty & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Joydip Bose
Mr. Sugata Mukhopadhyay ... for the Petitioners

Mr. Ashim Ganguly
Ms. Karabi Roy ... for the State.

Mr. Amitabha Ghosh ..for the respdts.10-12

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee ..for the municipality

This writ petition has been filed alleging inaction on the part of the Officer-in-Charge, Uttarpara Police Station. The petitioners are owners of a flat in Jhuma Apartment, situated at 63/7, B.K. Street, Jhuma Apartment, Uttarpara. The respondent no.10 is also a resident in the said apartment. The dispute is over installation of a mobile tower.

A hot altercation took place between the petitioners and the respondent nos. 10, 11 and 12. A complaint was lodged before the Officer-in-Charge, Uttarpara Police Station. It appears that the petitioners had protested against the construction of a mobile tower on the roof of the apartment. The construction was attempted to be made in violation of an order of injunction, passed by the civil court.

A specific allegation has been made that the police authorities did not take any steps on the basis of the complaint lodged by the petitioners, although the petitioners sustained severe injuries. Reliance has been placed on the medical reports.

Mr. Ghosh, learned advocate appearing on behalf of the respondent nos. 10 to 12 denies the allegations. He submits that on the contrary the petitioner no.1 had committed cognizable offence and a case was registered against the said petitioner no.1, which resulted in filing of a charge sheet. It is specifically denied that the petitioners were beaten by the said respondents.

A police report has been filed in Court. The report indicates that there is a case and counter case. On the complaint of the petitioners, reports for prosecution vide Uttarpara P.S. NCR No.189/2021 dated February 15, 2021 under Section 107/116(3) of the Code of Criminal Procedure and Uttarpara P.S. NCR No.190/2021 under Section 107/116(3) of the Code of Criminal Procedure, were submitted against the respondent nos. 10 to 12. Parties were directed to maintain peace and tranquillity.

It also appears that the police authorities had investigated as per the complaint against the petitioner no.1, vide Uttarpara P.S. Case no. 372/2021 dated September 11, 2021 under Section 323/325/354B/34

of the Indian Penal Code. The said investigation resulted in the filing of Uttarpara P.S. charge sheet no.472/2021.

Having considered the rival contention of the parties and the police report, this Court is of the view admittedly there was altercation between the parties. Each party sustained some injuries.

Under such circumstances, the Inspector-in-Charge, Uttarpara Police Station shall ensure that the order of the civil court is complied with, parties maintain peace and tranquillity and the respondent nos. 10 to 12 do not make any attempt to use the roof for construction of a mobile tower, until further orders of the civil court. The police authorities shall ensure that the petitioners are not harassed in any way by the respondent Nos. 10 to 12.

The police report is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)