

17.06.2022
Sl. No.19
srm

W.P.A. No. 10150 of 2022

Debasis Maity & Anr.

Versus

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das

...for the Petitioners.

Mr. Amitesh Banerjee,
Ms. Karabi Roy

...for the State-respondents.

Despite service, none appears on behalf of the respondent
Nos.8 to 12. Affidavit-of-service is taken on record.

The petitioners have alleged assault by the erstwhile
Officer-in-Charge, Namkhana Police Station, South 24-Parganas.
It is the specific contention of the petitioners that the respondent
Nos.8 to 12 had attempted to violate an order of *status quo* passed
by a learned civil court in a suit pending between the parties. The
petitioners objected. An altercation took place. It is alleged that
the erstwhile Officer-in-Charge, Namkhana Police Station one
Mr. Bapi Roy called the petitioners to the police station and
assaulted the petitioner No. 1.

The allegation is that the higher authorities of the
respondent No.7 did not pay any heed to such complaint,
although they were approached by the petitioners.

Mr. Banerjee, learned Senior Standing Counsel, appearing on behalf of the State-respondents, submits, upon instruction, that the dispute is between two groups of persons over a property. That the police authorities warned the parties and, as a counterblast to the police intervention, the allegations have been made against the erstwhile Officer-in-Charge of the Namkhana Police Station.

It is the specific case of the petitioners that only the petitioners were called to the police station by the erstwhile Officer-in-Charge. Although, Mr. Banerjee's contention is that the enquiry by the SDPO did not reveal that the allegations of the petitioners were correct, but as the petitioners are very specific about their allegations and what transpired at the police station, this Court is of the view that the Superintendent of Police, Sundarban Police District must cause an independent enquiry into the matter, upon hearing the petitioners, the said Mr. Bapi Roy and any other person, who may have been present at the time of the alleged assault. The enquiry shall be concluded within a period of two months from the date of communication of this order. The petitioners shall be intimated about the fate of such enquiry. If the allegations are found to be correct, the Superintendent of Police, Sundarban Police District shall take such measures as permitted in the Service Rules.

The writ petition is, thus, disposed of

There will be no order as to costs.

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

(Shampa Sarkar, J.)