

01.07.2022  
Court No. 19  
Item no.64  
CP

W.P.A. No. 10692 of 2022

Abha Memorial Hospital and Research Center  
Vs.  
State of West Bengal & ors.

Mr. Upendra Roy  
Md. F.A. Khan  
Md. Mustafa  
Mr. Kanchan Roy

....for the petitioner.

Mr. Sandip Das

.....for the respondent no. 6.

Mr. Jishnu Chaudhury  
Mr. Sutanu Chakrabarti

....for the State.

The petitioner has prayed for an order upon the police authorities to start an investigation on the basis of the complaints dated May 24, 2022 and May 26, 2022. According to the petitioner, the respondent nos. 5 and 6 had created obstruction in the free ingress and egress of the staff of the hospital and other persons. That continuous threat and disturbance were being carried on by the respondent Nos. 5 and 6.

The police authorities have filed a detailed report. It appears that an enquiry was made upon receipt of the complaint of the petitioner. The documents produced by the parties were examined. The parties were interrogated. The dispute which the

police could unearth during such enquiry is that the secretary of the society which runs a charitable hospital had informed the police that in order to access the hospital which is situated at RS Dag No. 4296, a 12 feet wide road had been promised as a passage, by the respondent nos. 5. It was further submitted by the secretary that the 12 feet wide road as promised by the respondent no. 5 was from Prince Anwar Shah Connector to the plot in question. The respondent no. 5 did not fulfil his part of the promise.

The secretary further filed a complaint after receiving threats from one 'Bhaipo Robi'. Proceedings were also initiated before the learned Executive Magistrate, 2<sup>nd</sup> Court, Alipore under Section 144(2) of the Cr.P.C. The police authorities were directed to enquire and file a report. Such report was filed.

The police authorities further found that in the sale deed of the petitioner, the 12 feet wide access road had not been indicated for entry to RS Dag No. 4296. Neither from the sale deed of the petitioner nor from the sale deed executed between the respondent nos. 5 and 6, the 12 feet wide passage from Prince Anwar Shah Connector as claimed by the petitioner, could be ascertained.

According to the police authorities, the enquiry revealed that the dispute is civil in nature. The police authorities cannot decide the issues raised.

Under such circumstances, the court finds that the police authorities could not have taken further steps with regard to such dispute. The petitioner is at liberty to approach the civil court for remedies that are available in law.

However, the police authorities shall ensure that no untoward incident takes place as it is alleged that the petitioner/society runs a charitable hospital for the orphans.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**