

March 3, 2022
Sl. No.02
Court No.1
SG/s.biswas

MAT 847 of 2021
With
CAN 1 of 2021

Shagufta Sulaiman
vs.
The State of West Bengal and others
(Through Video Conference)

Ms. Shagufta Sulaiman
... appellant in-person

Mr. Amitesh Banerjee, Senior Standing Counsel
Mr. Sk. Md. Galib,
Mr. Anubrata Santra, Advocates
..for the State

Mr. Alope Kumar Ghosh,
Mr. Subhrangsu Panda, Advocates
... for the K.M.C.

Mr. Dhiraj Trivedi,
Mr. Varun Kothari,
Mr. Bhupendra Gupta,
Mr. Amit Sharma, Advocates
... for the respondent No.6

Dr. Madhusudan Saha Roy, Advocate
... for the respondent No.9

This appeal is directed against the order of learned Single Judge dated 20.07.2021 whereby WPA 11380 of 2021 filed by the petitioner has been dismissed.

The appellant present in-person submits that unauthorized construction is going on to the neighbourhood which is causing noise pollution and in spite of the communication sent by the Pollution Control Board no action has been taken and that the appellant had made complaints to the police authorities, but those complaints have not been considered and the phone number of the appellant has been blocked by the

concerned police station, therefore now the appellant is not in a position to even make a telephonic complaint. She further submits that she is being harassed in the same manner in which her neighbour Miss Linda was harassed and evicted from the house and she is regularly receiving threats.

Mr. Banerjee, learned senior advocate appearing for the State submits that on the complaint of the appellant due action is being taken by the police authority and that the police station has land line which cannot block the appellant's phone number. He also submits that the grievance of appellant about the energizing the wall has already been redressed and Miss Linda was evicted on the basis of the eviction order of the Court and that the police authorities are ready to consider the grievance of the complaints of the appellant.

Learned counsel appearing for the K.M.C. has also submitted that the premises in question wherein the construction was going on was inspected and unauthorized construction was found and the construction work has been stopped.

Having heard the parties and on perusal of the record it is noticed that so far as the grievance of the appellant in respect of leakage of electricity and energizing the wall has been duly redressed and learned Single Judge has also found that the boundary wall is no longer energized.

So far as the issue of the action taken against the appellant's neighbour Miss Linda is concerned, we do not find any material and reason to go into that issue as the appellant is entitled to raise her personal grievance and not the grievance of a party not before the Court.

The issue relating to causing of noise pollution and nuisance during the course of construction in the site at 85/2E Ripon Street, Kolkata 16, Ward No. 62 is concerned, the record reflects that the Pollution Control Board had sent the communication dated 01.03.2021 to the Officer-in-Charge of the Park Street Police Station, the Commissioner of Kolkata Municipal Corporation and the Deputy Commissioner of Police, South Division with a request to look into the matter.

Learned counsel for the Municipal Corporation has produced the report dated 01.02.2022 indicating that the inspection of the said premises was done and an unauthorized construction work was found. Accordingly, action has been taken to stop the unauthorized work by issuing notice under Section 401 of the K.M.C. Act, 1980 dated 27.09.2021. The said report also indicates that the requisition has been sent to the concerned offices for round the clock police posting.

On account of making the complaint against the unauthorized construction, if the appellant is being harassed by the aggrieved parties or some anti-social elements, then it is the responsibility of the police

authorities to extend proper protection to the appellant and the grievance raised by the appellant in this regard is required to be looked into by the Commissioner of Police.

Hence, we permit the appellant to file a detailed representation/complaint before the Commissioner of Police, Kolkata who will duly look into the grievance of the appellant and do the needful to redress her grievance in accordance with law.

The appeal and connected applications are accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]