

29.06.2022

Sl. No.4

ss

W.P.A. 12493 of 2022

M/s. Trident Export Corporation

Vs.

The State of West Bengal & ors.

Mr. Tarique Quasimuddin

Ms. Sanchita Chaudhuri

... for the petitioner

Mr. Pantu Deb Roy

Mr. Pannalal Bandopadhyay

... for the State

This matter was mentioned on urgent basis by Mr. Tarique Quasimuddin, learned Advocate appearing on behalf of the petitioner. As the Court was of the view that the matter was required to be taken up out of turn, Mr. Pantu Deb Roy, learned Additional Government Pleader, was requested by this Court to appear in this matter with a junior of his choice. The appearance of Mr. Deb Roy be regularised.

The petitioner alleges overt act of the police authorities. It has been submitted that the police authorities of Liluah Police Station had forcefully blocked the road in front of the factory of the petitioner, without any notice.

The police report is taken on record. It appears from the report that stretch of Netaji Subhas Road towards Calcutta Pinjrapole Society was badly damaged. Such damage had caused great

inconvenience to the local residents and the factories, which were situated along with the said road. The damaged road often led to break down of the vehicles. Motorcyclists and the cyclists, have often met with accidents.

On September 16, 2021, one Krishna Banerjee, aged about 26 years, who worked in a local factory situated on the said road, fell down and was run over by another vehicle. Liluah Police Station Case No.349 of 2021 dated 17.09.2021 was started.

Later, the Howrah Improvement Trust took up the job of concretisation of the damaged road, in order to avoid further inconvenience and accident. Netaji Subhas Road, stretching between the Radha Govind Kanta to Himadri Chemicals Ltd. is being rebuilt with concrete material. Work order has been issued to one M/s. Digicon. On June 17, 2022, a letter was received by the Deputy Commissioner of Police (Traffic), Howrah Police Commissionerate from the Assistant Engineer-V, Howrah Improvement Trust, with a request to take necessary steps for closure of the traffic flow from Radhey Govind Mandir to Goshala Road Kalu's tea shop at Netaji Subhas Road from June 22, 2022 to July 6, 2022, for better execution of the restoration work and reconstruction of the road.

It appears that on June 20, 2022, a meeting was conducted by the Executive Engineer, Howrah Improvement Trust at Godavari Bhawan of Calcutta Pinjrapole Society, Liluah which was attended by the police authorities and the local factory owners. The petitioner was absent.

Accordingly, the factory owners requested the Howrah Improvement Trust to give more time so that they could run the factories without any hindrances. Accordingly, it was unanimously decided at the meeting that the repairing work would commence from June 24, 2022. The police authorities were requested by the Executive Engineer of the Howrah Improvement Trust to make arrangement for closure of traffic.

The report discloses that the petitioner's factory is situated at about 300 meters away from the stretch of Netaji Subhas Road, which is under repair. Another wide road runs in front of the factory where heavy goods vehicles have been found plying. An alternative route has been prescribed.

The allegation of the petitioner that the entry and exit of the workers of the factory have been completely blocked, has been found to be incorrect. A copy of the road map has been produced before this Court in the form of a sketch map, showing

another possible route which the petitioner can avail.

Police personnel namely, Liluah Traffic Guard have been deployed from June 24, 2022 for the said repairing work.

A letter of the petitioner addressed to the police authorities dated June 21, 2022, which was received by post on June 27, 2022, has been forwarded to the Executive Engineer, Howrah Improvement Trust, for necessary action.

Thus, this Court does not find that the police authorities have either failed to exercise their duties under the law or are guilty of any overt act. They have acted on the basis of the request of the Executive Engineer, Howrah Improvement Trust. Most of the factory owners were present at the meeting and they were granted an extension as per their prayer.

The police authorities have also forwarded the letter of the petitioner to the Howrah Improvement Trust.

Remedy of the petitioner is to approach the Howrah Improvement Trust for necessary relief. The petitioner may be given an audience if the authority deems fit and proper.

With the above observation, this writ petition is disposed of.

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

(Shampa Sarkar, J.)