

25.08.2022
Sl. No.188(ML)
srm

W.P.A. No. 15230 of 2022

Rajesh Kumar Gupta

Versus

The State of West Bengal & Ors.

Mr. Asit Kumar Bhattacharya,
Ms. Mosumi Biswas

...for the Petitioner.

Mr. Arijit Chakraborti,
Mr. Ratul Das

...for the State-respondents.

Mr. S.P. Pahari,
Mr. A. Pradhan

...for the Respondent Nos.6 & 7.

On the complaint lodged by the petitioner dated June 15, 2022, the police authorities have registered Posta Police Station Case No.86 dated June 15, 2022 under Sections 506/341/323/114 of the Indian Penal Code against the respondent Nos.6 and 7. After completion of the investigation, charge sheet has been submitted against the accused persons. On the allegation of illegal encroachment of 11C, Kalakar Street, Police Station-Post, Kolkata-7 by the respondent Nos.6 and 7 in front of the petitioner's shop, a specific case was registered being Posta Police Station Case No.87 dated June 17, 2022 under Section 283 of the Indian Penal Code against the respondent No.6. The respondent

No.6 surrendered before the learned court and was granted bail. Investigation is in progress.

Thus, this Court does not find that the allegation of police inaction has been substantiated. However, the complaint of encroachment on the footpath and the street allegedly maintained by the Kolkata Municipal Corporation has to be decided by the Corporation itself. Only if the Corporation seeks any assistance from the police authorities for removal of any alleged encroachment, the police authorities are to take steps in accordance with law. In this case, it does not appear that the petitioner has made any complaint before the Kolkata Municipal Corporation.

The petitioner is at liberty to approach the Corporation in accordance with law.

The pending investigation shall be concluded and the police will keep a vigil in order to ensure that no untoward incident takes place.

The writ petition is 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.)