

10.11.2022
Court No.13
Item No.27
AP

WPA 19687 of 2022
With
CAN 1 of 2022 (Not found in the File)

Balaram Maiti
Vs.
The State of West Bengal & Ors.

Mr. Anjan Banerjee

... For the Petitioner.

Mr. Amitesh Banerjee
Mr. Suddhadev Adak

... For the State.

Ms. Souri Ghoshal
Mr. Prasayan Mukherjee

... For the Respondent Nos.5, 6 & 7.

The Superintendent of Police, Howrah (Rural)

District has filed an undated report and the same is taken on record.

It appears from the report that lapses have been found on the part of one SI Sambhunath Karmakar of Shyampur Police Station and some minor disciplinary action has been taken.

This Court's mind is not free from doubt that the dispute in connection with the use of a pathway adjacent to the petitioner's house, may have snowballed into a serious law and order problem, because of the delay in investigating into the case of poisoning of the petitioner's pond.

It is equally curious to note that the chemical report with regard to the poisoning has not been obtained by the Shyampur Police Station till date.

It is expected that urgent and immediate steps should be taken in this regard and a final report should be filed on the incident of the poisoning of the petitioner's pond by the Shyampur Police Station.

It appears from the records that police picket was posted on 24th September 2022, despite this Court having ordered the same on the 19th September 2022.

Further incidents appear to have taken place when on a portion of the petitioner's house, particularly the backside, caught fire and the petitioner alleges that the fire was set by the private respondents and/or at their instances.

There is also an allegation of molestation of some lady, by or at the instance of the petitioner.

FIR appears to have been registered. It is expected that the investigation into the FIR is completed as expeditiously as possible.

This Court is surprised as to why the SI Sambhunath Karmakar of Shyampur Police Station has not been transferred from the said police station.

It appears from the submissions of the parties that TS No.311 of 2017 is pending before the learned Civil Judge (Junior Division), 2nd Court at Uluberia.

The Civil Court is stated to have ordered injunction against the respondents from using the pathway. The respondents are contesting the same.

The usage of the pathway shall abide by any order that may be passed by the Civil Court. The petitioner and the private respondents may take appropriate steps in that regard.

Shyampur Police shall post a police picket only for the purpose of ensuring that there is no breach of peace in the area. The length of time for posting police picket shall be decided by the Superintendent of Police, Howrah (Rural) District.

The Superintendent of Police, Howrah (Rural) District shall regularly monitor the functioning of the Shyampur Police particularly in the disputed area.

The petitioner and the private respondents undertake before this Court to maintain peace. Both parties undertake before this Court to strictly abide by the Civil Court's orders. Shyampur Police shall enforce any direction of the Civil Court specifically made on them.

The prayer in the writ petition for police assistance to construct a boundary wall has become infructuous in view of the pending civil suit. Such prayer can, in any event, not be granted by the writ court dealing with police inaction matter.

With the aforesaid observations, the writ petition shall stand disposed of.

In view of the disposal of the main writ petition, connected applications, if any, shall also stand disposed of.

There shall be no order as to costs.

The submissions of the Shyampur Police dated 10th November 2022 along with annexures is kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)