

08 22.12.2022
tbsr Ct. 39

WPA 21892 of 2022

Munshishaiful Islam
Vs.
State of West Bengal & Ors.

Mr. Sujay Bandyopadhyay
Md. Basir Layek
Mr. Jagajyoti Das
Mr. Sambhu Mahato
.....for the petitioner

Mr. Samiran Mandal
Mr. Abhinaba Dan
....for the respondent Nos. 8, 9 & 10

Mr. Subhabrata Datta
Mr. Banibrata Datta
.....for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to provide adequate police protection to the petitioner by enabling him to play/run and to stop his bus being WB 41G/8198 in all stoppages in terms of the permit granted by the State Transport Authority without any disturbance or harassment from the private respondents.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has got a route permit to operate a bus from Boinchia Bus Stand to Kesya in Bankura. However, whenever the

bus enters the Bankura Gobinda Nagar Bus Stand, some hooligans at the behest of some other bus owners resist the bus and prevent it from entering the Bus Stand. This was brought to the notice of the local police authority. Yet, no action was taken. Appropriate directions may be passed in this regard so that the petitioner can ply his bus in the route peacefully and can also park his bus in the Bankura Gobinda Nagar Bus Stand.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. As per direction of this Court, the petitioner and the State have caused service of notice upon the private opposite party. Pursuant to the complaint filed by the petitioner, a proceeding under Section 107 of the Code has already drawn up. At present, there is hardly any apprehension of breach of peace. However, in the event any untoward incident happens, the police are ready to take appropriate steps.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents are not causing any hindrance to the present petitioner in parking his bus at the Bankura Gobinda Nagar Bus Stand. Without prejudice and without admitting anything, they further undertake

not to cause any trouble to the petitioner in this regard in future.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed on behalf of the State.

It appears that some incident might have taken place when the petitioner wanted to take his bus to the Bankura Gobinda Nagar Bus Stand.

Learned counsel for the State assures that there is no apprehension of breach of peace at the present and a proceeding has already drawn up under Section 107 of the Code being Bankura PS NCR No. 1100 dated 21.09.2022.

The private respondents have also, without prejudice, undertaken not to commit any hindrance in this regard.

Therefore, it is directed that in the event any such incident happens in relation to hindrance caused to the petitioner to park his bus at the said Bus Stand, the respondent police authorities shall take appropriate steps in accordance with law.

Since affidavits have not been called for, the allegations made are denied by the parties.

With the above directions, the writ petition is disposed of.

Urgent Photostat certified copies of this order may be delivered to the learned advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)