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WPA 9095 of 2020

Abul Basar Fakir & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Poulami Dutta
Mr. Tiyas Ghoshfor the Petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Arindam Chattopadhyay ...for the State

Affidavit of service filed by the learned counsel for the petitioner, be kept with the record.

The petitioner submits that the Superintendent of Police, Diamond Harbour Police District did not dispose of the representation dated 27th February, 2020. The petitioner had prayed for police assistance at his own cost, for construction of a boundary wall on his own land.

Learned advocate for the State respondents submits that an enquiry was made by the Inspector-in-charge, Rabindranagar Police Station. The grant of sanction by the local municipality permitting erection of the boundary wall, was not shown to the police authorities.

The petitioner alleges that local hooligans have been demanding money and from the petitioner and have been obstructing the construction, to extort money.

It is further submitted that the height of the boundary wall and the material to be used for construction of the same, would not require a permission from the Maheshtala Municipality.

Having heard the learned counsels for the respective parties, this court is of the view that even though the respondent nos. 5 to 10 are not before the court, the matter can be disposed of in their absence. The merits of the claim of the petitioner has not been decided by the court.

The petitioner is at liberty to approach the Superintendent of Police, Diamond Harbour Police District with his prayer for police protection. If such representation is filed, the same shall be disposed of, after hearing the petitioner in accordance with law. In case the authority holds that the petitioner should be entitled to police protection, then such protection shall be given to the petitioner, at his own cost as assessed by the authority.

The court has not decided the issues which are raised. The same shall be decided by the Superintendent of Police, independently. Such decision shall be taken within ten days from the date of receipt of the petitioner's representation.

Accordingly, WPA 9095 of 2020 is disposed of.

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

(Shampa Sarkar J.)