

OD 4

WPO 2764 of 2022
IA GA 1 of 2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BISWAJIT GOSWAMI
VERSUS
COMMISSIONER OF POLICE & ORS.
AND
FLOOR SPACE PROJECT LLP & ANR.

BEFORE:

The Hon'ble Justice RAJASEKHAR MANTHA

Date : 29th September, 2022.

APPEARANCE:

Mr. Arindam Banerjee,Adv.
Mr. Siddhartha Sharma,Adv.
Md. D. Taslim,Adv.
Mr. A. Kataruka,Adv.
...for the applicant/intervenor.

Mr. Debjit Mukherjee,Adv.
Ms. S. Chatterjee,Adv.
...for the State.

Mr. Alak Kr. Ghosh,Adv.
Mr. Swapan Kr. Debnath,Adv.
...for respondent nos. 2 & 3.

The Court :- GA 1 of 2022 has been filed by one M/s. floor Space
Projects LLP.

It is submitted that they are interested in the property in question.

Under the above circumstances, M/s. Floor Space Projects LLP and Rajeev Modi, designated partner, are added as party respondents to the writ petition. The Registry may carry out necessary amendments in the cause title of the writ petition.

GA 1 of 2022 is allowed and disposed of.

The report of the Hare Street P.S. is kept with the record.

The petitioner is aggrieved by the alleged inaction of the Inspector-in-Charge of Hare Street Police Station, being the respondent no. 4 in arresting and sealing the first floor of a building called Nicco House in Central Kolkata.

It further transpires from the records that the Kolkata Municipal Corporation had initially issued notice under Section 401 of the KMC Act, 1986 but had withdrawn the same subsequently on 16th September, 2022.

It appears from the records that an FIR being Hare Street P.S. Case No. 278 dated 27th September, 2022 has been registered by the Hare Street Police Station pursuant to Section 156(3) of the CrPC.

Investigation is going on. As to whether the police require to detain somebody in accordance with law is a matter within the domain of the police.

The accused persons are neither absconding nor is there any evidence to show that they are not co-operating in the investigation.

In those circumstances, the petitioner may take steps in accordance with law after the investigation is completed and a final report is submitted to the Jurisdictional Magistrate.

In view of the aforesaid, WPO No. 2764 of 2022 is disposed of and, accordingly.

(RAJASEKHAR MANTHA, J.)