

21.03.2023
Court No.13
Item No.370
AP

WPA 6562 of 2020
With
IA NO: CAN 1 of 2020 (Old No: CAN 5336 of 2020)
With
CAN 2 of 2022

Sk. Sabir Ali
Vs.
State of West Bengal and Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya

... For the petitioner.

Mr. Subhabrata Datta
Mr. Debashis Sarkar

... For the State.

Mr. Pradip Kumar Roy
Mr. Joydeep Roy

... For the Respondent Nos.2 to 5.

Mr. Sachindra Nath Misra

... For the Respondent No.11.

The report of the Officer-in-Charge, New Market Police Station dated 12th March, 2023 shall be made available to the petitioner and the private respondents.

The principal grievance of the petitioner is that his name has been fraudulently used to obtain a fire service clearance from the West Bengal Fire Services Authority, which has been explained by the respondents as an error.

Fire service clearance was subsequently granted on the basis of a sanction plan submitted by another qualified LBS Subhajit Bose.

The petitioner and the private respondent No.11 have raised serious disputes on the legality of the building, where the college namely Dr. B.R. Ambedkar College (B. Ed. Section) is located.

It is submitted that the building has been constructed on more than two acres of land, where as the college does not possess more than 69 decimals of land. In addition thereto, it is alleged that the fire service clearance has been given on a national holiday.

Several complaints have been filed by the writ petitioner both in the Debra Police Station and in the New Market Police Station. The police have not found any ground to register FIR.

This Court is of the view that the petitioner and the private respondent No.11 may approach the concerned magistrate under Section 156(3) of the CrPC in the event, they are aggrieved by any decision of the New Market Police Station or Debra Police Station to refuse to register FIR.

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

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)