

22.05. 2023
item No.23
n.b./AKG
ct. no. 7

WPA 11510 of 2023

Bimal Krishna Bhowmick
Vs.
The State of West Bengal & ors.

Mr. Saikat Chatterjee,
Mr. Isteyak Ahamed,
Mr. Puranjan Pal
.....for the petitioner

Mr. Ansar Mandal, AGP
Ms. Srilekha Bhattacharya
.... For the respondents

Affidavit-of-service filed in Court today be kept on
record.

The petitioner has filed this writ petition praying
for a direction upon the respondent-police authority to
take steps for protection of his right to life and property.

The learned advocate appearing for the petitioner
submits that the police authorities have directed the
petitioner to close down his shop. However, such
submission of the learned advocate for the petitioner is
disputed by the learned advocate appearing for the
State/respondents.

The learned advocate for the petitioner submits
that a direction be passed upon the police authorities to
allow the petitioner to open his shop. The reason why the

petitioner could not open the shop is not clear to this Court except the submission made by the petitioner.

On the basis of such submission, no order can be passed by this Court. It is, however, made clear that if the petitioner is otherwise entitled to carry on the business from his shop-room, nothing in this order can be construed to have prevented the petitioner from carrying on the business from the shop if he is otherwise entitled to do so.

It appears from the record that the private respondents have approached the Executive Magistrate by filing an application under Section 144(2) of the Code of Criminal Procedure and the Executive Magistrate has also directed the police to submit a report and to maintain the law and order in and around the scheduled premises.

Needless to mention that the police authorities are under statutory obligation to see that no breach of peace takes place at the locale.

With the above observation and direction, this writ petition is disposed of without any order as to costs.

(Hiranmay Bhattacharyya, J.)