

17.08.2023
Item No.11
RP/AN
Ct. No.1

MAT 1092 of 2023
+
IA No. CAN 1 of 2023
Sri Sukumar Chatterjee
VS.
The State of West Bengal & Ors.

Mr. Debasish Kar
... for Appellant
Mr. Soumyajit Bhatta
Mr. Sunayan Bose
... for Respondent No.4
Mr. Supriyo Chattopadhyay, AGP
Mr. Anirban Chattopadhyay
... for State

1. This intra-Court appeal preferred by the writ petitioner is directed against the order dated 01.06.2023 passed in WPA 12840 of 2023. The said writ petition was filed alleging police action in respect of a complaint as well as against the representation which have been filed before the 6th respondent/police.
2. Learned Single Bench has taken note of the submissions made by the learned government counsel as well as the report filed by the police authorities and came to the conclusion that a civil proceeding is pending between the parties.
3. Learned advocate appearing for the appellant submitted that no civil proceedings is pending between the appellant and the private respondents

but the allegation of the appellant is that the 6th respondent/police is taking the side of the private respondent and is not acting in a fair manner and as a result of which the private respondents are passing through the appellant's property. In any event, if the dispute is with regard to immovable property, obviously it is a civil matter.

4. The allegation of the appellant is that the 6th respondent is not acting in a fair manner and in this regard a representation has been given to the Commissioner of Police, Barrackpore Commissionerate and no action has been initiated.
5. Learned Single Bench in the impugned order has directed the local police authority including the jurisdictional police through its appropriate officer to ensure that peace and tranquillity is maintained in the locale. This direction should be complied with by the respondent/police. In addition to the order passed by the learned Single Bench, there will be a direction to the third respondent to consider the representation given by the petitioner and enquire into the matter and ensure that no breach of peace in the particular area. With regard to other claims which the appellant seeks in relation to ingress and egress to the immovable property is concerned, we grant liberty to the appellant to approach the appropriate forum for

necessary order. Before any action is initiated based on the representation of the appellant by the 3rd respondent, notice may be issued to the appellant as well as the private respondent and all other persons concerned who are likely to be affected. The appellant is directed to submit copies of the earlier representation and a copy of the judgement and order upon the office of the 3rd respondent/Commissioner of Police, Barrackpore Commissionerate. The above direction be complied with direction within a period of three months from the date of receipt of the representation.

6. With the above observation, the appeal and connected application are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)