

8th August,
2023
(AK)
07

W.P.A 15412 of 2023

Smt. Basanti Chatterjee and another
Vs.
The Chief Secretary, Public Works Department and others

Mr. Anindya Chakraborty
...for the petitioner.

Mr. Moniruzzaman
Ms. Tanuja Basak
...for the State-respondent.

Mr. Tapan Kumar Mondal
...for the respondent no.7.

Learned counsel for the respondents files an affidavit-in-opposition, from which it is revealed that the respondent authorities have no role to play in the demolition of the petitioners' house.

Learned counsel for the petitioners seeks a court-monitored investigation. However, such investigations under the monitoring of the court are not issued as a matter of course, at the drop of a hat.

More so, there is no public law element involved in the present case.

As a word of caution, it may not be misconstrued that even the individual case of the petitioners deserves equal concern and anxiety on the part of the court.

However, since the petitioners have already lodged a complaint, which has not yet reached culmination, it would only be appropriate to direct that the said complaint culminates in an investigation in due process of law before coming to any premature finding as to the culprits.

Accordingly, WPA 15412 of 2023 is disposed of by directing respondent no.6 to ensure that an FIR is registered on the basis of the complaint of the petitioners regarding the demolition of the petitioners' property and an investigation is undertaken at the earliest thereon.

It is expected that the said investigation will be concluded at the earliest and in due process of law.

Liberty is given to the petitioners, if aggrieved by the progress or result of the investigation, to approach the competent Magistrate to ventilate such grievances and/or to have the investigation reopened or seek further appropriate directions.

It is made clear that although this court does not have the determination to take up police inaction issues, since the writ petition did not pertain to police inaction

but the directions given above are ancillary to the main reliefs and to ensure the ends of justice and give proper relief to the petitioners, this court does not hesitate to passing the above orders against police authorities.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)