

D/L
Item No. 33
14.07.2023
KOLE

WPA 15849 of 2023

Nikhil Bera
-Vs.-
The State of West Bengal & Ors.

Mr. Sabyasachi Mukherjee,
Mr. M. Kumar Das,
Mr. D. Choudhury,
Mr. M. Khanna,
Mr. B. Dey,

...for the petitioner.

Mr. Jhuma Chakraborty,
Mr. K. Paul,

...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent nos. 1 to 4 to take necessary steps on the basis of the representations made by the petitioner and to take steps to save life and property of the petitioner.

Affidavit of service filed in court today is taken on record.

Despite service, none appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record. A copy of the same is handed over to learned Counsel for the petitioner.

Learned Counsel appearing for the petitioner submits as follows. The local villagers have made certain false allegations against the petitioner and the petitioner was man-handled and tortured. After a local shaman also purportedly indicated that there was some wrong doing on the part of the petitioner, the petitioner was constrained to

make the representations before the police authorities. The petitioner cannot even get back to his own residence.

Learned Counsel for the State relies on the report and submits as follows. The police have already taken necessary steps in respect of the complaints made either by the petitioner or on behalf of the private respondents. At the behest of the private respondents, two separate FIRs were lodged while on the complaint filed by the petitioner one FIR was lodged namely, Nandigram Police Station Case No. 1043 of 2023 dated 12.07.2023.

I have heard learned Counsel for the parties and perused the writ petition and the report filed by the State.

It appears that the police have taken sufficient measures, especially in terms of the complaints lodged by the petitioner and by the private respondents.

Let the police authorities properly investigate the respective cases in accordance with law.

The police authorities shall also maintain a strict vigil at the locale and ensure that no harm is done to the present petitioner.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to be admitted by the respondents.

In view of the above observations, the writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)