

10 19.07.2023
NB Ct. 14

WPA 15860 of 2023

Debasish Bhowmick & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh.
...for the petitioners.

Mr. Somnath Ganguli, Id. AGP,
Ms. Priyamvada Singh.
....for the State.

Mr. Amit Banerjee,
Mr. Amit Kumar Misra.
...for the respondent nos.7,8&9.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities especially the respondent no.6 to take immediate steps against the illegal running "Madhuchakra" by the private respondent in the Ashirbad Cinema Hall situated at plot nos.2299, 2300 and 2301, Mouza-Mellock, J.L. No.20 under the Police Station-Bagnan in the district of Howrah.

Affidavit of service filed on behalf of the petitioners is taken on record.

A report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the owners of the property in question. They were running a business of Cinema Hall till a point. Afterwards they decided not to run the business themselves. They entered into a lease agreement with the respondent nos.7 and 8 so that the latter would run the

business of Cinema Hall in accordance with law. However, it has come to the notice of the petitioners that the latter did not have the license for running the said Cinema Hall. In fact, they were allowing minor boys and girls and aged persons enter into the Hall with intoxicants and running a “Madhuchakra” therein. A complaint was made before the police authorities, but no effective steps have been taken. After registering of an FIR, the petitioner made another complaint which has not been looked into. A civil suit is pending between the parties.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. So far as the civil dispute between the adverse parties are concerned there is already a civil suit pending. As regards, the allegation made by the petitioner in his letter of complaint, an FIR has been registered. Raids were conducted at the place, but nothing incriminating was found. The investigation is on.

Learned counsel appearing on behalf of the private respondents submits as follows. The private respondents have already been granted an interim order of status quo in the civil suit filed by them. The petitioners are trying to conjure up false stories to deprive the petitioners from the rights in respect of the said property.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

So far as the civil dispute between the adverse parties is concerned, it appears that there is a civil suit pending and an

interim order of status quo has been granted in favour of the private respondent.

As regards the prime grievance of the petitioners that no steps were being taken on the allegations made by the petitioner, an FIR has already been registered and investigation is going on. Any subsequent complaint may be taken as a subsequent statement of the petitioner in respect of the same FIR.

Let the investigating agency make an endeavor to find out the truth and conclude the investigation at the earliest.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)