

37 05.09.2023
NB Ct. 14

WPA 19220 of 2023

Abani Bhushan Gayen
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharyya,
Mr. Sandip Kumar Mondal,
Ms. Riya Das.
...for the petitioner.

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

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

Report filed on behalf of the State is also taken on record.

A copy of the report is handed over to the learned counsel for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question where he is running a shop. But the private respondents have been disturbing, harassing and intimidating the petitioner. They have made it impossible to run the shop from the said premises. Earlier the petitioner filed a writ petition and this Court by an order dated 14.07.2023 passed in WPA 15763 of 2023 was pleased to direct the police to maintain a close watch at the locale and ensure that no harm is done to the petitioner. In spite of this, the police did not take any steps to inspire the confidence in the petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits that two proceedings have been initiated under Section 107 of the Code of Criminal Procedure. The police are keeping a vigil in the locality.

The private respondents do not seem to have any legal right in respect of either the said premises or the said shop. Yet, the petitioner has to lodge that the private respondents are not allowing him to run a shop properly. This is despite an order passed by this Court earlier.

Let the police authorities take the matter seriously and keep a sharp vigil at the place by engaging police patrols for surprise visits.

If any untoward incident happens or is apprehended by the petitioner, the petitioner shall be at liberty to inform the Officer-in-Charge of the police who shall act on the allegations in accordance with law.

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.)