

21.08.2023

Item No.10

Ct. No.1

PG/AGM

W.P.A.(P) 433 of 2023

Mohammad Shamim

Vs.

The State of West Bengal & Ors.

Mr. Arup Sarkar.....for the petitioner

Mr. Ramashis Mukherjee

Mr. Rameshwar Sinha.....for the respondent no. 9

1. The petitioner, by way of this public interest writ petition seeks for a direction upon the respondent/police to cause an investigation into the complaint, which is alleged to have been made on 11th July, 2023 before the Domjur Police Station and take action against the private respondents, who are alleged to have been putting up some illegal constructions.
2. If the complaint has not been investigated or no desirable action has been taken, several remedies are provided under the Code of Criminal Procedure and without exhausting those remedies, the petitioner cannot maintain a public interest writ petition for the aforestated relief.
3. Therefore, we dispose of the writ petition giving liberty to the petitioner to pursue his criminal complaint and if no action has been taken by the State police, it will be well open to the petitioner to

invoke the other remedies available under the Code of Criminal Procedure.

4. No costs.
5. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)