

21.08.2023
Srimanta
Sl. No. 18
Ct. No. 14

WPA/20023/2023

Anil Kumar Das
-Vs.-
State of West Bengal & Ors.

Mr. Kapil Chandra Sahoo

...for the petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Jyotsna Roy Mukherjee

...for the State.

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to remove obstruction made by the private respondent nos. 11 to 16 on Government road so as to block the easy ingress and egress of vehicles of the petitioner carrying bricks from the brickfields.

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

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

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is an aged person and is suffering from partial paralysis. He is the owner of a brickfield. The miscreants belonging to the local political dispensation had been disturbing and intimidating the petitioner from smoothly running his business. They have put up structures made of bamboo fitted with flags on them so as to prevent the petitioner from taking out his trucks loaded with bricks from the brickfield. However, after the writ petition was filed the said structures were removed. However, the private

respondents are still disturbing the petitioner and creating obstructions in moving his trucks loaded with bricks. In fact, they had also attacked the petitioner's house on one occasion.

Learned Counsel appearing on behalf of the State relies on the report and submits as follows. The allegations made in the writ petition are denied. In fact, the petitioner is an accused in a case, *inter alia*, under Section 376 of the Penal Code and Section 3 of the SC & ST (POA) Act. A charge-sheet has also been submitted in this regard. However, on the complaint of the petitioner, sharp vigil is being kept in the locality.

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

It appears that the structure put up to block his trucks so that his trucks could not go to the main road from his brickfield have already been removed.

Therefore, no further order need be passed in this regard.

However, since the petitioner complains of further atrocities, let the local Police Station keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Jay Sengupta, J.)