

30.01.2023
Court No.13
Item No.8
AP

WPA 25258 of 2022

**Kalidas Roy
Vs.
The State of West Bengal and Ors.**

Mr. Tanmay Choudhury
Ms. Indumouli Banerjee

... For the Petitioner.

Mr. Debasis Sur
Mr. Himadri Shekhar Paul

... For the Private Respondents.

The petitioner claims to be a senior citizen. The petitioner's grievance against the private respondents is that they have broken four out of ten CCTV cameras installed under the orders of Coordinate Benches of this Court, dated 17th March, 2021 in WPA 8040 of 2020 and 17th July, 2019 in WP 19088 (W) of 2018. The Baruipur Police has registered as many as six complaints in this regard.

On the complaint of the private respondents, the Baruipur Police has also registered two FIRs. Several other FIRs are pending investigation at the instance of the parties, which have resulted in charge sheets both against the petitioner and the private respondents. In addition to the aforesaid criminal cases, two civil suits are also pending between the petitioner and private respondent.

This Court sees that the dispute between the petitioner and the private respondents are subject matter of both civil and criminal cases. The allegations

against the Baruipur Police are baseless and devoid of any merit whatsoever.

This Court notes that the petitioner, under the garb of being a senior citizen, has raised a purely civil and property matter in a writ proceeding. While the petitioner was armed with orders of Coordinate Benches of this Court to install 10 CCTV cameras in the common area, the concerns of the private respondents of invasion of privacy cannot be ruled out. The issue as regards the damage to such CCTV cameras may be raised in the civil proceedings, which the petitioner ought to have known.

In the above circumstances, the writ petition shall stand dismissed with costs assessed at Rs.5,100/- payable by the writ petitioner to the Baruipur Police Station. The costs may be recovered by the Baruipur Police inter alia under the provision of the Bengal Public Demands Recovery Act, 1913.

The report in the form of instructions issued by the Inspector-in-Charge, Baruipur Police Station, South 24-Parganas addressed to the State Advocate is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)