

W.P.A. 402 of 2024
Amiyo Das
State of West Bengal & Ors.

Mr. Sandipan Das
Mr. Badrul Karim
Mr. Sarajit Ray
Ms. Suparna Dutta ... for the petitioner

Mr. Suman Basu
Ms. Debanwita Paramanik
... for respondent nos. 6 & 7
Mr. S. K. Bhattacharyya
Mr. S. Barman
... for respondent nos. 12 to 15

Mr. Rajarshi Basu
Mr. Anirban Datta ... for the State

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

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a resident of Chandannagore. The private respondents and others have been carrying out rampant illegal filling of water bodies and illegal constructions. This has led to an anti-social activities into the areas. The petitioner had made several representations even by way of mass petitions since 2019 and lastly in 2023, but no effective action has been taken by the police authority.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. This Court had earlier stayed a criminal proceeding under the Indian Inland Fisheries Act against the petitioner. Mass petitions have been made by the

petitioner and others a proceeding has been initiated under Section 107 of the Code of Criminal Procedure.

First, it appears that the criminal proceeding was stayed as against some accused on the ground that it was a second F.I.R. over the self-same cause of action. Therefore, by necessary corollary it could imply that that first F.I.R. is proceeded.

In any event the petitioner does not seem to be personally affected and is moving this matter in a rather representative capacity like in a public interest litigation.

I do not find that this application is maintainable as a writ petition for police in action. Accordingly, the same is disposed of without any further order including as to costs.

However, petitioner is at liberty to move a Public Interest Litigation (PIL) if he can make out a case for the same and, if so advise.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied, be supplied to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)