

09.02.2024
17
AN/Ct. No.14

WPA 1127 of 2024

**Thakur Sree Sree Ishwar Baladev Jew & anr.
versus
State of West Bengal & ors.**

Mr. Anirban Mitra
Mr. Rajdeep Bhattacharya
Mr. D. Mitra
Mr. S. Mitra
Mr. R. L. Mitra
Mr. Debasish Banerjee
Mr. Arpayan Mukherjee

... for the petitioners

Mr. K. I. Yusuf
Mr. Kazi Sajjad Alam

... for the State

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

Report filed on behalf of the State is taken on record. A copy of the same is handed over to the learned counsel appearing for the petitioner.

Learned counsel appearing for the petitioner submits as follows. By an order dated 10.04.2019 passed by a Coordinate Bench of this Court in G.A. No. 976 of 2019, it was directed that a Special Officer and the Committee of the Shebaitis only will be entitled to seek and obtain Police assistance if and when it is necessary during the Rash Mela between

17.04.2019 to 16.05.2019 at premises no. 143 to 149, Raja Rajendra Lal Mitra Road, Kolkata-700010 as was being done for the past several years. For the said purpose, the Special Officer and the present Committee of Shebaitis would be at liberty to approach the Commissioner of Police, the D.C., E.S.D. and the Officer-in-Charge, Beliaghata Police Station. The Police Authorities were directed to render assistance and to see that no unauthorized vehicle or two wheelers were parked without permission of the Shebaitis in the vacant land between the said premises no. 143 to 149, Raja Rajendra Lal Mitra Road, Kolkata-700 010. However, the Police Authorities themselves are violating the orders by parking their cars in the said vacant land. Besides this, other outsiders do the same all round the year. This was brought to the notice of the Police, but no action has been taken.

It is further submitted on behalf of the petitioners that the petitioners being the owners of the land in question would put a gate and lock it so as to restrict car parking by others inside the said premises.

Learned counsel representing the State relies on a report and submits as follows. The Police have done

regular patrolling to ensure that the order passed by this Court is not violated. It is denied that the Police Personnel themselves are parking their cars inside the said vacant land. If there is no gate or lock put by the owners at the entrance of the property in question, it is difficult to stand guard to avoid illegal parking.

It appears from the order dated 10.04.2019 passed by a Coordinate Bench of this Court in G.A. No. 976 of 2019 that certain directions were given to the appellant and other authorities in connection with holding of Rash Mela between 17.04.2019 to 16.05.2019. Although the direction given upon the Police to oversee that no unauthorized vehicle or two wheelers were allowed to be parked inside the vacant land, did not have any specific mention of holding of the Rash Mela, it is apparent that the direction was meant for such period.

Besides, it is indeed very difficult to man a particular area round the clock if the owners of such land are not taking good enough care to protect their land.

As it is submitted by the petitioners that they would take steps to see that their property remains protected, no further order need be passed in this regard.

However, it is made clear that a land can be gated and locked by a person only if such person otherwise has the legal right to do so.

The Police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that there is no violation of order passed by this Court on 10.04.2019 in G.A. No. 976 of 2019.

With the above observations, the instant writ petition stands **disposed of**.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Jay Sengupta, J.)