

08-07-2024
Item No.21
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.6694 of 2024
Nihar Ranjan Mondal & Ors.

-vs-
The State of West Bengal & Ors.

Mr. Biswajit Roy
Mr. Ramkrishna Bhattacharya
Mr. Kaushik Chowdhury
Ms. Kankana Bhattacharya
Ms. Shreya Hazra ...for the petitioners

Mr. Ansar Mondal, AGP
Ms. Srilekha Bhattacharya ...for the State

Mr. S.P. Pahari
Mr. A. Pradhan
Mr. T. K Mahapatra ...for the private respondents

The dispute relates to the car parking space which both the parties claim to use. Complaint and counter-complaint was filed. The petitioners have clearly mentioned in the letter of complaint that they were abused and brutally kicked and were insulted by using slang language relating to the Scheduled Caste community to which they belong.

It is submitted that the police have registered a case being Haldia PS Case No.90 of 2024 dated June 30, 2024 under the provisions of the Indian Penal Code, 1860 but surprisingly the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have not been invoked.

The police have recorded in the report signed on July 5, 2024 forwarded to this court that the

investigation of the case is at a very nascent stage.

Learned advocate for the private respondents submits that the private respondents are also members of the Scheduled Caste communicate.

In view of such situation, the police are directed to continue with the investigation in accordance with law by invoking the proper provisions of law and conclude the investigation at the earliest.

The police shall ensure that there is no breach of peace at the locale.

As regards protection of civil rights, the parties will be at liberty to approach the learned civil court for necessary relief.

The writ petition is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

