

58 22.05.2024
AN Ct. No. 01
RP

MAT 610 of 2023
with
IA No. CAN 1 of 2023

Prabir Kr. Ghosh
Vs.
State of West Bengal & Ors.

Mr. Pradip Kumar Roy
Mr. Tirthajit Roy Chowdhury
... for the appellant

1. This intra-Court appeal filed by the writ petitioner is directed against the order dated 27.03.2023 in WPA 3617 of 2023. In the said writ petition, the appellant sought for a direction upon the respondent nos. 1, 3, 5 and 7 to provide Police assistance to enable the appellant to do pisciculture and catching fish. The learned writ court opined that the appellant seeks for implementation of the earlier order passed in W.P. 18933(W)/2014 and, therefore, another writ petition cannot be entertained. To be noted that in the earlier writ petition being W.P. 18933(W)/2014, there was only an interim order and, in the writ petition, a challenge was made to the order passed by the concerned B.L. & L.R.O. on 31.03.2014. The interim order is still in force and the writ petition is pending. If that is so, then the appellant would be entitled to exploit the pisciculture rights by virtue of interim order.

2. Therefore, the appeal is **disposed of** by directing the respondent nos. 4 and 5 to consider the prayer made by the appellant for providing Police assistance and after taking the views of the 6th respondent, the 4th

respondent and the 5th respondent shall pass appropriate orders with regard to the prayer made by the appellant for grant of Police protection. This direction shall be complied with within a period of 8 weeks from the date of receipt of the server copy of this order.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)