

20.06.2024
Item No.16
PG/KS
Ct. No.1

W.P.A.(P) 179 of 2024

**Sita Ram & Ors.
Versus
The State of West Bengal & ors.**

Mr. Sabyasachi Mukherjee
Mr. Mukesh Khanna
Mr. Poulam Dey.....for the petitioners

Mr. Ashok Kr. Chakraborty, Ld. ASG
Ms. Amrita Pandeyfor the respondents 3 & 4

Mr. Amitesh Banerjee, Ld. Sr. Standing Counsel
Mr. Akash Dutta.....for the State

Mr. Kaushik Chatterjee
Mr. Tirthankar Dey.....for the respondents 5 to 10

1. By this public interest litigation, the petitioners allege that the private respondents are openly dealing with narcotic and psychotropic substances and action has to be taken against them and alleged that there is a police inaction.
2. The private respondents on the other hand submitted that there is a background behind this litigation on account of certain disputes, which have arisen in the locality at the behest of the booth president one Ashoke Kumar Das and it is stated that one of the petitioners is wife of Arup Kumar Das, who is the brother of Ashoke Kumar Das.
3. Learned Senior Standing Counsel for the State submitted that there is case and counter case registered by the police and the matter is under investigation.

4. Learned Additional Solicitor General submitted that if there is an information that narcotic and psychotropic substances are dealt with, then the 4th respondent is entitled to inquire/investigate into the matter.
5. In any event, these issues, which have been focused by the petitioners cannot be dealt with in a public interest litigation. If, according to the petitioners, specific complaint has been lodged against an individual and no action has been taken by the police authorities, then remedy under the Code of Criminal Procedure has to be invoked. However, this can, at no point of time, put any fetter on the Narcotics Control Bureau for conducting any investigation, if they have information that narcotic and psychotropic substances are being dealt with by any person. However, we note that there is one common feature that all the writ petitioners as well as the private respondents are the residents of the same premises.
6. For the above reasons, we are unable to grant any relief, as sought for by the petitioners in this writ petition.
7. Accordingly, the writ petition is dismissed.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)