

February 8, 2024
AD 3
Ct. No.14
SG

WPA 14376 of 2023

Manoranjan Manna
vs
State of West Bengal and others

Mr. Somnath Adhikari
Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir

... for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

... for the State

Mr. Rabindra Nath Mahato
Mr. Aritra Shankar Ray

... for the private respondents

Report filed by the State along with a pen drive containing relevant CCTV footage is taken on record. Both are kept in a sealed cover.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the land in question. The State had acquired certain adjacent area. But, they have forcibly and illegally occupied the petitioner's land as well. This was brought to the notice of the police and the other authorities, but no steps were taken. The petitioner's son went to make a complaint to the police station. But, a lady officer assaulted him. When this Court asked for the relevant CCTV footage, it was submitted that the same was not available. The petitioner seeks protection, so that he can cultivate the

land in question and also registration of necessary complaint.

Learned advocate for the private respondents submits as follows. The allegations made in the petition are denied. The petitioner filed a title suit over the said property. The same was dismissed as the petitioner could not prima facie show the title of the property. An appeal has been preferred.

Learned advocate for the State relies on the report and submits that the CCTV footage for the relevant period could not be retrieved because at the relevant time i.e., between 11 hrs to 11.35 hrs on 17.08.2023 there was a power issue.

It is indeed quite astonishing that for a small period of time, which was the relevant time, the camera did not work. The CCTV camera could have captured the happenings between the petitioner's son and the lady police officer.

It appears that the footage of the further relevant period has been preserved.

Let the Special Superintendent, Cyber, CID, West Bengal look into the matter and take up the issue with the superiors as to whether any action needs to be taken in this regard.

So far as the other grievance of the petitioner is concerned, it is not for the police to deal with the issues pertaining to acquisition of land. The petitioner shall be

at liberty to agitate the same before the appropriate forum.

If the petitioner believes that a cognizable offence is committed by the private respondents, he shall be at liberty to act in terms of the directions passed by the Hon'ble Apex Court in *Aleque Padamsee's case* reported at (2007) 6 SCC 171.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]