

Item No.19

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.07.2024
Ct-14
AGM

WPA 15932 of 2024

Hari Shankar Shaw

v.

The State of West Bengal & Ors.

Mr. Anindya Lahiri.
Mr. Samrat Dey Paul.
Mr. Asish Chakraborty.
... for the petitioner.

Mr. K. J. Yusuf.
Mr. Parikshit Goswami.
... for the State.

Mr. Debasis Kar.
Mr. Subhajit Chowdhury.
...For the private respondents.

The petitioner claims to the Secretary of the Lansdowne Market Byabasayee Samity. He alleges that the private respondents who are also members of the said Byabasayee Samity are disturbing the petitioner in running his business peacefully.

The petitioner approached this Court in an earlier occasion by filing writ petition being WPA 11513 of 2024 which stood disposed of by a Co-ordinate Bench of this Court on 25th April, 2024 directing the police to keep sharp vigil at the locale and ensure that no breach of peace takes place.

The Byabasayee Samity has also filed a suit being Title Suit No. 209 of 2024 which is pending

consideration before the learned Civil Judge (Senior Division), 4th Court, Alipore.

The prayer of the petitioner is to direct the police to ensure that the petitioner can run his business without interference or disturbance by any third party.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that the petitioner already approached the Court by filing an earlier writ petition. If the order passed by the learned Court is not complied with, then the petitioner ought to have approached the Court in contempt.

It has further been submitted that the petitioner is no longer the Secretary of the Byabasayee Samity. It has been admitted that a Title Suit is pending consideration before the learned Civil Court.

Learned advocate representing the State respondents relies upon the report forwarded by the Officer-in-Charge, Bhowanipore PS on 9th July, 2024 which mentions that the allegation of the petitioner regarding misbehaving was enquired but the same could not be substantiated. The police however have registered GDE and keep strict vigil at the place.

It has been recorded in the order that in compliance of the direction passed by the Court in the earlier writ petition, the police are maintaining strict vigil over the area.

Learned advocate for the petitioner disputes that the Secretary of the Byabasayee Samity has changed. It has also been disputed that the enquiry was conducted to ascertain as to whether the petitioner is able to run his business smoothly or not.

Upon hearing the parties and upon perusal of the materials on record placed before this Court, it appears that a civil dispute is pending adjudication before the

learned Civil Court. The petitioner approached this Court earlier and has obtained an order directing the police to maintain strict vigil.

The police are directed to ensure that there is no breach of peace at the locale and the right of the petitioner to conduct business in accordance with law is not interfered with without the due process of law.

The writ petition stands **disposed of**.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)