

52 23.09.2024

**Court
No. 35**

G. S. Das

WPA 17420 of 2024

M/s. Das Highway Service & ors.

-Vs-

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh

Mr. Subhasis Bandopadhyay

... for the petitioners

Mr. Apurba Kumar Datta

Ms. Sreemoyee Mukherjee

... for the respondent nos. 5, 6 & 7

Mr. Amit Kumar Nag

Mr. Pritha Bhaumik

... for the respondent nos. 4

Mr. Suman Ghosh

Ms. Munmun Tewari

... for the State-respondent

The petitioners are/were carrying on business of retail outlet. There is a dispute with the private respondent(s) in respect of demarcation of the land which has been submitted by the learned advocate appearing for the respondent nos. 5, 6 and 7.

Mr. Suman Ghosh, learned
advocate, appearing for the State-

respondents, submits a report. Let the same be kept with the record.

The report reflects that there is Farakka PS NCR No. 284/24 dated 14.06.2024 registered under Section 506 of the IPC. The said report is prepared by the Inspector-in-Charge of Farakka P.S.

One of the contentions in the representations made to the Inspector-in-charge and the Superintendent of Police were that the private respondents had locked the retail outlet illegally which is denied by the learned advocate(s) appearing for the private respondents.

In case, the retail outlet is found to be locked without any order from the Court of law and/or by the Indian Oil Corporation itself, then, in that case, the police authorities will before the jurisdictional Magistrate advance a prayer under Section 155(2) of the cr.p.c./174(1)

of BNSS, 2023 for the registration of the FIR. Thereafter, the petitioners would be at liberty to advance their prayer(s) before the learned jurisdictional court for unlocking and/or allowing them to operate their retail outlet subject to the terms and conditions of the parent company being the Indian Oil Corporation.

Learned advocate for the Indian Oil Corporation is present and submits that due to certain non-compliances, the Indian Oil Corporation was compelled to take certain steps. However, the present dispute in respect of the petitioners and the private respondents do not involve the Indian Oil Corporation, as such, the allegation(s) made in the writ petition so far as the Indian Oil Corporation is concerned, is denied.

With the aforesaid observations, WPA 17420 of 2024 is **disposed of**.

Pending application, if any, is also disposed.

Affidavit-of-service so filed be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)