

M/L38
04.11.2024
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ct.no.35

W.P.A.23471 of 2024

**Anindya Sil
Versus
The Union of India & Ors.**

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Swati Dey.
...for the petitioner.

Mr. Amitesh Banerjee
Mr. Debangshu Dinda.
...for the State-respondents.

Mr. Sukanta Chakraborty
Mr. Ganga Prasad Mukherjee.
...for the Union of India.

Mr. Dipanjan Chatterjee
Ms. Sananda Bhattacharyya.
...for the respondent nos.10 to 17.

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

Petitioner is aggrieved by the factum of
harassment being inflicted upon him as he is a
resident of Sarada Garden which is a subject matter
of attachment in a CBI case and the maintenance is
being conducted by two persons.

Petitioner alleges that some of the police
authorities are hand in gloves and are trying to
encroach the property for their personal benefits
which is to the detriment to the residents who are
actual owners of the said property.

Mr. Amitesh Banerjee, learned Senior Standing Counsel, appears on behalf of the State and submits that the issues which have been canvassed by the petitioner are simply for the purpose of avoiding the regular maintenance to be paid by him.

Mr. Chakraborty, learned advocate, appears on behalf of the Union of India.

Mr. Chatterjee, learned advocate, appears on behalf of all the private respondents and opposes the contentions.

I have considered the submissions of the respective parties, since the property is a subject matter which has been attached by the CBI and a portion of the said property is still vacant. There are other residents who have ownership in respect of the property and are liable to pay maintenance. Further there are allegations to the effect that the present petitioner was harassed, heckled and are not being responded to by the local police authorities for which a representation was made before the Director General of Police and Inspector General of Police on 13th April, 2024 along with other officials of police.

In the circumstances, I direct that the Director General of Police and Inspector General of Police, West Bengal would dispose of the representation/communication made by the

petitioner within a period of six weeks from the date of communication through a competent officer and endorse the same for the purposes of ascertaining the genuinity of the allegations. The Enquiry Officer so engaged by the D.G. and I.G. of Police, West Bengal would give opportunity to the petitioner, the private respondents and, if required, consult the learned advocates who represent the State before arriving at their final opinion.

With the aforesaid observations, WPA 23471 of 2024 is disposed of.

Mr. Dinda, learned advocate appearing on behalf of the State assisting Mr. Banerjee would communicate this order within a week from date to the office of DG & IG of Police, West Bengal. The outcome of the finding of the representation would be communicated to the petitioner as well as the private respondents within a period of three weeks from the date, after the conclusion is arrived at and the report is prepared.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)