

Sl.No.
108 06.11.2024
Court
No. 35
G.S.Das

WPA 24707 of 2024

Bharat Jakat Majhi Mohal
-Vs-
The State of West Bengal & Ors.

Mr. Arunava Ganguly
... for the petitioner

Mr. Atis Kumar Biswas
Mr. Suman Chakraborty
... for the respondent no. 5
Ms. Sabnam De Bardhan, Jr. Govt. Adv.
Ms. Tuli Sinha
... for the State

The petitioner and the respondents
are at loggerheads.

The main grievance of the
petitioner is that their logo and banners
are misused and money is being
collected.

Learned advocate for the
respondent(s) disputes such contention and
submits that the petitioner by way of
using the name of tribal organization are
incorporating the non-tribal people.

Learned advocate for the State has submitted a report. The report reflects that pursuant to the earlier order passed by a Co-ordinate Bench of this Court, a meeting was held at the office of the Superintendent of Police, Hooghly (Rural).

I have considered the submissions advanced on behalf of the petitioner, respondents as also the State.

In view of such submissions so advanced, I am of the opinion that this is not a fit case to invoke the jurisdiction under Article 226 of the Constitution of India.

However, the petitioner would be at liberty to approach the jurisdictional criminal court by way of taking out an appropriate application under Section 175 of the cr.p.c. or under Section 223 of the BNSS, 2023.

With the aforesaid observations,
WPA 24707 of 2024 is disposed of.

Affidavit of service so filed be
kept with the record.

Report so submitted be also 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.)