

May 17, 2024
AD 4
Ct. No.14
SG

WPA 25679 of 2023

Debasish Mukherjee

vs.

The State of West Bengal and others

Mr. Sandipan Das

Ms. Indrani Roy

... for the petitioner

Mr. Suman Sengupta

Mr. Sambuddha Dutta

Mr. Sanatan Panja

... for the State

Mr. Swarup Banerjee

Mr. Arinjay Pal

... for the respondent No.8

Mr. Monojit Chatterjee

... for the respondent Nos.9 & 11

Mr. Udayan Dutta

... for the respondent No.13

Report filed by the State is taken on record.

Learned counsel for the petitioner submits as follows. The petitioner became a victim of extortion by the private respondents and others because he had raised his voice against illegal construction going on in the neighbourhood. One day, the private respondents came, abused the petitioner and assaulted him. The police were informed, but no steps were taken.

Learned counsel for the respondent No.13 denies the allegations and submits that the petitioner had earlier moved a Coordinate Bench of this Court in respect of purported illegal construction. By an order dated

31.08.2022 passed in WPA 9871 of 2022, the writ petition was disposed of granting liberty to the petitioner to make a comprehensive representation regarding the alleged illegalities before the appropriate authority. Till date such representation has not been made. Therefore, there is no question of retaliation by anyone.

Learned counsel for the respondent Nos.8, 9 and 11 also denies the allegations.

Learned counsel for the State relies on the report and submits that there was a doubt whether a cognizable offence was made out or not. A preliminary enquiry was conducted. It was found that there is a longstanding dispute between the private parties. For the alleged assault, the petitioner did not even get himself treated by any doctor. However, the police are keeping a close watch on the developments in the locality.

It appears that the petitioner has already been granted liberty to take up the issue of illegal construction by way of appropriate representation.

So far as the alleged incident is concerned, no cognizable offence was found in the enquiry made by the police. Even from the letter of complaint no cognizable case appears to have made out.

Therefore, no further order need be passed in this regard.

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.

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

[Jay Sengupta, J.]