

S/L 31
29.4.2024
Court No.14
SD

WPA 26696 of 2023

Suktar Mondal
Vs.
The State of West Bengal & Ors.

Mr. Kunal Ganguly
Mr. Tirupati Mukherjee

...for the Petitioner.

Mr. Amal Kumar Sen
Mr. Jaladhi Das

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is engaged in the business of transportation of coal from the ECL to the leasehold land and thereafter to the retailer. The local police unnecessarily harass the petitioner and other similar transporters for obtaining illegal gratification. Allegations are made to the police authorities, but not acted upon. Trucks are unnecessarily halted resulting in demurrage and are allowed to pass only after delay and/or satisfaction of illegal gratification. Earlier on similar applications, a coordinate bench of this Court has passed orders upon the police not to harass the trucks passing in the area.

Learned counsel appearing on behalf of the State relies on the report and submits that no absolute bar can be imposed on checking of such trucks. The allegations of

demanding money or like or causing of unnecessary delay are denied. Moreover, there is no specific allegation, which can be acted upon. It does not appear that a specific allegation has been made that a truck has been intercepted and similarly dealt with by the police authorities as has been the general case, according to the petitioner.

As has been held earlier, if there is allegation of request for illegal gratification or undue delay in release of petitioner's trucks, a suitable complaint may be made immediately to the Deputy Commissioner of Police who shall take immediate action on such complaint.

The police authorities shall comply with all necessary requirements of law in case they want to inspect a truck. It is preferable that they videograph the incidents of interception of truck and inspection.

No further order need be passed in this regard.

With these observations, WPA 26696 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)