

21.06.2024
Ct. No. 14
Sl. No.21
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**WPA 27699 of 2023
Seikh Mousumi @ Sk. Mousumi
Vs.
The State of West Bengal & Ors.
with
WPA 10304 of 2024
Sk. Mousumi
Vs.
The State of West Bengal & Ors.**

Mr. Krishnendu Bhattacharyya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
Ms. Neelanjana Ghaarai
... For the petitioner in
WPA 27699 of 2023.

Mr. C. Pal
Mr. A. Dutta
Ms. C. Mukherjee
.... For the petitioner in
WPA 10304 of 2024.

Mr. Suman Sengupta
Mr. Dwaipayan Basu Mallick
Mr. Sanatan Panja
... For the State in
WPA 27699 of 2023.

Mr. Amal Kumar Sen, Ld. A.G.P.
Mr. Suman Sengupta
Mr. Lal Mohan Basu
... For the State in
WPA 10304 of 2024.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Dipankar Das
... For the private respondent in
WPA 27699 of 2023.

Md. Shakir
... For the private respondent in

WPA 10304 of 2024.

Mr. Barin Banerjee

Ms. Manisha Nath

... For Kolkata Corporation
In WPA 10304 of 2024.

Affidavit of Service filed in Court today is taken on record.

The petitioner complained against an unauthorised construction made at the behest of the private respondents which lead to the Kolkata Municipal Corporation taking steps against the unauthorised construction and ultimately passing an order for demolition of the unauthorised construction.

The petitioner alleges that on retaliation the private respondents have mercilessly beaten up the petitioner and stole the gold chain from his neck. The petitioner had to be administered medical treatment.

Further allegation is that the persons who committed the offence obtained order of anticipatory bail from the learned court below upon suppression of material facts.

Prayer has been made for transferring the investigation to a separate agency.

Learned advocate representing the private respondents denies the allegation of the petitioner.

Learned advocate representing the Corporation relies upon the report signed by the engineers on 20th

June, 2024 which admits that unauthorised construction took place and order of demolition was passed. Part demolition already took place and the next date of demolition is scheduled on 27th June, 2024.

Learned advocate representing the State respondents submits that the complaint lodged by the petitioner was duly investigated and a charge sheet has already been filed before the learned Trial Court.

Upon hearing the parties as it appears that the learned Trial Court is in seisin of the matter, accordingly, it will be open for the petitioner to raise all grievances before the said Court and make all prayers therein. The Learned Trial Court shall consider on merits the prayer, if any, made by the petitioner.

The Officer-in-Charge, Amherst Street Police Station is directed to ensure that no harm is caused to the life and property of the petitioner in any manner whatsoever.

In the event, the petitioner faces any threat in the hands of the private respondents, it will be open for the petitioner to approach the Officer-in-Charge for necessary relief.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)