

Item No.23

27.06.2024
Ct-14
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In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28187 of 2023
Subhas Chatterjee @ Chattopadhyay
v.
State of West Bengal & Ors.

Mr. Shibaji Kumar Das
... for the petitioner.

Mr. Suman Ghosh
Mr. Supriya Majumder
... for the State.

Mr. Pratip Mukherjee
Mr. S. Hossain
... for the respondent no. 5.

The grievance of the petitioner is that he is unable to open his shop room where he was conducting business as per the licence granted by the Gram Panchayat.

Prayer has been made to direct the police to assist the petitioner to open the shop room and run his business.

Learned advocate representing the private respondent submits that his father, who was an employee of the petitioner, was murdered by the petitioner inside the shop room. There are several mass complaints against the petitioner for which the petitioner has been restrained from opening the shop room.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Officer-in-Charge, Pandua Police Station signed on December 20, 2023 which mentions that the police case against the petitioner u/ss. 302/34 IPC being Pandua Police Station Case No. 283/22 dated May 29, 2023 ended in a charge-sheet being Pandua Police Station CS No. 356/23 dated August 23, 2023 u/ss. 302/34 IPC.

It has been submitted that on receipt of a representation from the petitioner in November 2023 alleging threat by the private respondent and others at the time of opening the shop room, an enquiry was conducted and a prosecution u/ss. 107/116(3) CrPC has been submitted to maintain peace and tranquility.

As it appears from the submissions made on behalf of the parties that the investigation of the police case is over and charge-sheet has already been filed, accordingly, there ought not to be any impediment for running the shop room provided the same is run in accordance with a valid licence and all other necessary permissions.

In view of the above, the instant writ petition is disposed of by directing the police to ensure that no breach of peace takes place at the locale when the petitioner opens the subject shop room.

The petitioner is directed to give a prior intimation to the police disclosing the date and time for opening the shop room so that the police may render assistance, if required.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)