

12.06.2024
Sl. No.20(DL)
srn

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 918 of 2024

Sekh Jiyaaur Rahaman

Versus

The State of West Bengal & Ors.

Mr. Gopal Sah,
Mr. Tanbir Alam

...for the Petitioner.

Mr. Subir Kumar Saha,
Ms. Bedashruti Bose

...for the State-respondents.

Mr. Sudip Guha,
Mr. Sandip Guha Ray

...for the Respondent Nos.5-8.

1. The petitioner alleges inaction on the part of the police authorities. According to the petitioner, the respondent Nos.5 to 8 restrained the petitioner from running his business of an amusement park-cum-resort.
2. The police authorities were directed to file a report in the form of an affidavit.
3. Such report has been filed. It appears that an FIR had been registered and investigation is going on. Statements of several witnesses under Section 161 of the Code of Criminal Procedure were also obtained.

4. The writ petition is disposed of with a direction upon the Inspector-in-Charge, Banarhat Police Station, Jalpaiguri, to reach the investigation of Banarhat PS Case No.113/2024 dated April 26, 2024, under Sections 447/341/34, to its logical conclusion. If during the course of investigation, it is found that the petitioner's life and liberty is under threat and the offence may be more grievous, the police authorities shall be at liberty to add further sections to the said FIR. Such offences shall also be investigated.
5. The police authorities have also contended that certain illegal activities are going on in the resort. The police authorities are always at liberty to take steps in accordance with law in respect of such issues, but that should not mean that the police authorities would not be required by law to ensure that the petitioner is able to conduct his business in a free and fair manner, without any obstruction, intimidation or interference from third parties.
6. Under such circumstances, apart from concluding the investigation as directed above, the police authorities shall maintain a vigil in order to ensure that no untoward

incidents take place in and around the park/resort and no illegal activities are carried on in the property.

7. Liberty is granted to the police authorities to take all measures to ensure that all the parties maintain law and order and conduct themselves in a disciplined manner.
8. If the petitioner is further threatened, the petitioner is at liberty to approach the Inspector-in-Charge, Banarhat Police Station as also the Superintendent of Police, Jalpaiguri with his grievances, which shall be addressed by the police authorities.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)