

11.01.2024
Item No.8
gd

WPA/2870/2023
TIRRIHANNAH COMPANY LIMITED
VS
STATE OF WEST BENGAL & ORS.

Mr. Soumya Majumder,
Mr. Amit Pan,
Mr. Arijit Ghosh
..for the Petitioner.

Mr. Joyjit Chowdhury, Id. AAG,
Mr. Hirak Barman,
Mr. Nabankur Paul
..for the State.

The learned advocate appearing for the petitioner submits that a written complaint has been submitted before the Commissioner of Police, Siliguri Police Commissionerate, Darjeeling dated November 21, 2023 alleging that the workers along with rank outsiders claiming to be the aids and associates of the Trade Unions have forcefully entered the garden divisions and started plucking leaves selling the same in spite of the fact that lockout was declared due to alleged strike coercive and forceful activities of the workers. It has been stated in the said written complaint that there has been a huge quantity of produced tea in the factory premises and the management of Tirrihannah Tea Garden apprehends large scale misappropriation and destruction of the company's properties in the tea estate by forceful

entry and criminal activities of the workers and the outsiders. It has been further alleged in the said written complaint that there has been unauthorised plucking of tea leaves in an indiscriminate manner and the entry of outsiders into the garden will completely destroy of plants and the trees resulting in further loss of the company's properties.

On the basis of such allegation, the Management prayed for police protection upon payment of requisite charges.

The police authority was also requested to see that the workers and outsiders are prevented from entering into the garden during the lockout period.

Pursuant to the earlier order dated 9th January, 2024, the learned Additional Advocate General files a bunch of document including the report of the Deputy Commissioner of Police, West Zone, Siliguri Police Commissionerate, Siliguri, which is taken on record.

The said report states that all mobile vans of Bagdogra Police Station have been directed to patrol the Tirrihannah Tea Estate area to prevent any untoward incident and for safety and security. The report further states that the same is being currently continued. Reference of Bagdogra Police Station GD Entry No.823 dated 18.11.2023 and onwards till 31st December, 2023 has also been referred to. The

report also states that the security guard did not provide any information regarding alleged misappropriation and destruction of produced tea and other properties of the petitioner's company. The said report further states that Management took out huge quantity of produced tea from the factory on 07.11.2023 and 08.11.2023 in order to sell the same and the remaining produced tea, if any, is kept under lock and tea inside the factory.

However, the report is silent as to whether the written complaint of the petitioner dated November 21, 2023 discloses any cognizable offence or not. No decision on the prayer of the petitioner as contained in the written complaint for posting of police picket at Tirrihana Division and Jhabra Division of the Tea Estate appears to have been taken by the Commissioner of Police, Siliguri Police Commissionerate.

In view thereof, this court directs the Commissioner of Police, Siliguri Police Commissionerate, being the 4th respondent, to consider the written complaint dated November 21, 2023 and to take steps in accordance with law if, according to the respondent no.4, such complaint discloses any cognizable offence. If in the opinion of the 4th respondent the written complaint do not disclose any cognizable offence, the said respondent

shall communicate such decision to the petitioner on or before January 19, 2024. The said respondent shall also consider the prayer of the petitioner for police protection at the cost of the petitioner and dispose of the same by a reasoned order which shall also be communicated to the petitioner within the aforesaid date.

The copy of the notice as well as the proceedings before the Joint Labour Commissioner dated 5th January, 2024 filed by the learned Additional Advocate General in court today is taken on record and a copy thereof has been handed over to Mr. Pan, learned advocate for the petitioner.

With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)