

M/L 66
18.06.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 767 of 2025

Ajijul Sk.
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Roy.
Mr. Samrat Chakraborty.
... For the petitioner.

Mr. Rwitendra Banerjee.
Mr. Shibasis Chatterjee.
... For the respondent no. 8.

Mr. Somnath Ganguly. Ld. A.G.P.
Ms. Sangeeta Roy.
... For the State.

1. The petitioner claims to be a disabled person and he seeks protection under the Rights of Persons with Disabilities Act, 2016.
2. The petitioner lodged a complaint before the police station on 24th December, 2024 and alleges that no step has been taken in response thereto.
3. Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that the petitioner ought to approach the competent forum for remedy.
4. Learned advocate representing the State respondents has obtained instruction from the Inspector-in-charge, Raghunathganj Police Station

dated 19th January, 2025 wherefrom it appears that an enquiry was conducted wherefrom it revealed that there is an issue with regard to the possession /occupation of the land of the petitioner. The parties have land adjacent to each other.

5. A General Diary Entry being GDE no. 1936 and 1949 was noted on 29th December, 2024 and for the purpose of preventing any untoward situation and to maintain peace and tranquility, NCR has been submitted against the son of the private respondent namely, Jamirul Sk. vide Raghunathganj PS NCR No. 1502/2024 dated 31st December, 2024 under Sections 126/135 BNSS.
6. Section 7 of the Rights of Persons with Disabilities Act, 2016 mentions that the appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation. Any person may give an information of any offence under the Act to the Executive Magistrate within the local limits of whose jurisdiction such incident occur.
7. Any police officer who receives a complaint is required to inform the aggrieved person of his right to apply for protection before the Executive Magistrate.
8. The police is also required to proceed in accordance with law upon receipt of the information of the commission of any cognizable offence.

9. In the instant case, it appears that neither the petitioner nor the police took any steps for redressal before the Executive Magistrate.
10. As the Act provides for protection and safety of the disabled persons, accordingly, it will be open for the petitioner to proceed in accordance with law for redressal of his grievances, if so advised.
11. The police is also directed to intimate the petitioner and apprise him about the manner so that he can approach the Executive Magistrate with his grievances.
12. The writ petition stands disposed of.
15. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)