

Court No. 8
14.08.2025
Item No.38
PA (Chamber)

WPA (P) No. 197 of 2022

**Sabitri Malakar
VS
The State of West Bengal & Ors.**

Dictated by Smita Das De, J.

- 1.** None appears for the respective parties.
- 2.** The instant Public Interest Litigation has been filed by the petitioner praying inter alia for the following relief(s):-

“a) A Rule do issue upon the respondents to show cause why Writ Order and/or direction in the nature of mandamus should not issue directing the respondent No.1 to 3 to do and perform the duty as enjoyed under the law by taking all possible steps to prevent the respondent No. 4, 5 and 6 from continuing Criminal Acts endangering lives of the petitioner No.1 and 2 and the property of the Petitioner No.1 & 2 and institute criminal proceeding against them on the basis of the complaint.

b) A Rule do issue upon the respondents to show to why order or direction in the

nature of mandamus should not issue directing them to investigate the matter and give police protection to the petitioner No. 1 & 2 & others.

c) A writ of and/or in the nature of Certiorari directing the Respondents and each of them to produce all records and documents of the case before this Hon'ble High Court, so that conscionable justice may be administered by granting the prayer of the petitioner.

d) An interim order directing respondents concerned to grant Police help to the petitioner No.1 & 2 and others restraining private respondents from doing wrongful act;

e) An interim order restraining the private respondents and/or recommendation for anti corruption department to investigate against Subir Goswami, (S.I), Polba P.S., Sk. Md. Taher Ali (ASI), & I.C. Chandernagar for corruption and I.C. Chandernagar and A.C.P. (H.Q.) transfer/close out of the Ld. A C JM, Chandernagar's jurisdiction by recommended by the ld. ACJM;

f) After hearing parties and/or their Advocates Rule to be made absolute;

g) To pass such other or further order or orders as to Your Lordship may seek fit and proper;

h) Personal appearance of S.I, Rajib Pal, Chandernagar Police Station, Subir Goswami, (S.I.), Polba P.S.;

I) Rule NISI in terms of prayers (a), (b), (c), (d) and (e) above;

j) To pass such other or further order or orders and/or direction or directions as to Your Lordship may seem fit and proper;”

3. The petitioner’s main grievance is with regard to inaction of the police authorities in respect of the written complaints lodged against the private respondents for their alleged criminal Activities.

4. The bone of contention of the writ petitioner is for taking cognizance of the same made before the Police Authorities for taking necessary action by registering First Information Report (FIR) against the private respondents in accordance with law.

5. Since the petitioner is not present it shows that either the grievance is redressed or he has lost interest in the case.

6. The petitioner has an efficacious remedy under the criminal law. Hence the PIL cannot be entertained.

7. However, liberty is reserved to the petitioner to avail remedy under the criminal law. It is made clear that this Court has not expressed any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)