

D/L 32
20.03.2025
Bpg.
ct.no.35

W.P.A.11260 of 2024

**Samira Shaik @ Pinki & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Susenjit Banik
Mr. Mrinal Saha.
...for the petitioners.

Mr. Anirban Ray
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal.
...for the State-respondents.

Affidavit of service filed by the petitioners be
kept with the record.

Petitioners are aggrieved by the act and
action of the private respondents who are pursuing
illegal activities by selling country spirit and are
committing nuisance in front of the shop of the
petitioners. To that effect, several representations
have been made to the jurisdictional police station
being Lake Town Police Station but no steps have
been taken by the said authorities.

Learned advocate for the State, on the other
hand, by relying on the report submits that the police
authorities have assisted the excise authorities in
recovery of the country spirit which was in the
possession of the private respondents. It has also
been contended that there is a tap in front of the shop

room which is of the municipality and considering the topography and population of the area people staying over there use the municipal water for bathing.

Be that as it may, learned advocate appearing for the petitioner submits that till date the private respondents are carrying on with their illegal activities of selling county spirit and no steps are being taken by the police authorities for such illegal activities of the private respondents.

The information which has been enclosed in the present writ petition referred to the months of January and February of the year 2024, more than one year has passed since then. If the situation so persists, petitioners would be at liberty to file a fresh representation before the Lake Town Police Station. In case the police authorities are reluctant to act on such representation, petitioner would also be at liberty to file application under Section 175(3) of the BNSS before the jurisdictional court. The concerned court would assess regarding the nature of the accusation and pass necessary directions. In the meantime, police authorities would ensure that there is no breach of the peace and tranquility because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 11260 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)