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14.08.2025
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ct.no.35

W.P.A.17464 of 2025

**Palash Samadder
Versus
The State of West Bengal & Ors.**

Mr. Arnab Mukherjee
Mrs. Paramita Dey
Ms. Shreyasi Manna.
...for the petitioner.

Mr. Amitabrata Roy, Ld. G.P.
Mr. Nilotpal Chatterjee
Mr. Shibasish Banerjee.
...for the State-respondents.

Mr. Atis Kumar Biswas
Ms. Susmita Chatterjee.
...for the KMC.

Mr. Mit Guha Roy.
...for the respondent nos.11 to 15.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the action of the
police authorities and claims that his shop has been
demolished by the KMC authorities and it has been
made known to him that on the basis of a demolition
order such steps were taken by the police authorities.
Learned advocate also draws attention of the Court to
certain documents which reflect that the petitioner
was injured.

Learned advocate for the State has contended that the police authorities were handed over with the requisition for necessary police assistance by the Deputy Chief Engineer, (Building), North for the purpose of demolition of unauthorized construction (Memo No.KMC/Bldg/Dy.C.E. (B)/N 102/25/26, Dt. 18.06.2025). Consequently, police arrangements were made for the demolition work. As such, the police authorities cannot be held responsible since they acted on the basis of an office order issued by the Deputy Chief Engineer (Building).

Petitioner submits that series of cases are pending between the petitioner and the private respondent nos.11 to 15. Learned advocate for the petitioner draws the attention of the Court to such cases being Title Suit No.1662 of 2024 and Title Suit No.1695 of 2025. Some criminal cases were also registered by the police authorities regarding the overt acts of the private respondents.

Learned advocate appearing for the private respondents denies and disputes the contentions and submits that the police authorities had to intervene because there were law and order issue.

Learned advocate for the KMC submits that because of unauthorized construction and change of

user, steps were taken by the Kolkata Municipal Corporation adhering to the provisions of law.

Having considered the role of the police authorities in this case, I am of the view that they acted pursuant to directions of the municipal authorities which was by way of written requisition. As such, police authorities cannot be held responsible but the injury sustained by the petitioner definitely is a cause of concern.

Accordingly, petitioner would approach the learned jurisdictional Magistrate under the relevant provisions of law. Learned Magistrate would assess and ascertain regarding the manner in which the petitioner sustained injuries and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, WPA 17464 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)