

19.11.2025
Item No.12
Ct. No.01
RP

FMA 1443 of 2025

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IA No.CAN 1 of 2025

Priyam Banerjee & Anr.

VS

The State of West Bengal & Ors.

Mr. Priyam Banerjee

Mr. Pritam Banerjee

...Appellants appearing in Person

Mr. Amal Kumar Sen, AAG

Mr. Vivekananda Bose

Ms. Deblena Ghosh

...For State

Mr. Amales Roy, Sr. Adv.

Ms. Mousumi Bhowal

Mr. Aman Gupta

...For South Dum Dum Municipality

PER, SUJOY PAUL,ACJ.:

- 1.** Appellants appear in persons. The State and the South Dum Dum Municipality are represented through their respective learned counsels.
- 2.** With consent finally heard.
- 3.** This intra-Court appeal assails the order dated 8th July, 2025 passed by the learned Single Judge in WPA 13690 of 2025. In nutshell the grievance of the petitioners are that they are the whistle blowers and they are also petitioners in WPA 8215 of 2022. The petitioners prayed for action against illegal construction. The learned Single Judge passed the order dated 7th February, 2023 in WPA 8215 of 2022 issuing various directions including the following direction:-

“a) Inspection of the site shall be conducted.

Such inspection shall be held in the presence of the petitioners and the respondent nos.9 to 16, with 48 hours advance notice to the petitioners and the respondent nos.9 to 16.”

(Emphasis supplied)

4. In furtherance of this direction, whenever the appellants intended to remain present during inspection of sites of illegal construction along with the team of municipality/State, they were put to threat and intimidation etc. Their repeated representations could not fetch any result. Although the learned Single Judge directed in the impugned order that the police authorities to take a decision on the representation of the appellants but no effective protection is provided to them till date to enable them to remain present at the time of inspection of the site fearlessly. Thus, adequate protection may be granted. It is also pointed out that the learned Single Judge in another order dated 11.03.2024 passed in WPA 28022 of 2023 issued direction to provide protection to the inspecting team but no such protection is extended in favour of the present appellants. Thus, adequate protection may be granted.
5. Learned counsel for the State submits that it is prerogative of the police authorities to decide the number of police personnel required for such protection

etc. It is further submitted that whenever municipality made request to the police authorities to provide police force necessary force has always been provided and it will be continued to be provided to comply with the order of this Court.

- 6.** Learned counsel for the municipality submits that the exercise of inspection is already over.
- 7.** The appellants submit that the entire exercise of inspection is not over and few sites are yet to be inspected.
- 8.** In this backdrop, in our opinion, the order of the learned Single Judge dated 7th February, 2023 passed in WPA 8215 of 2022 can be implemented in its true spirit only when the present appellants are provided adequate protection. Thus, we deem it proper to dispose of this intra-Court appeal with the following directions.
 - i)** If any inspection is remaining and the municipality authority and the police authorities intend to undertake the said exercise, pursuant to the Court's order dated 7th February, 2023 the appellants will have right to remain present during inspection.
 - ii)** It shall be the duty of the police authorities, namely, the respondent nos.3 and 4, to provide adequate and effective protection to the appellants so that they can reach the place of inspection, remain present there and come back safely. In

addition, it shall be duty of the police authorities to ensure that the life, liberty and dignity of the appellants are not put to jeopardy by anyone because of their participation in the inspection process.

iii) In the event, any such threat is received by the appellants, they may apprise the concerned police authority forthwith and in turn the police authority shall take appropriate legal action in accordance with law on such complaint.

9. With the aforesaid directions and without expressing any opinion on merit, this intra-Court appeal and the connected application are disposed of. The impugned order accordingly stands modified.

10. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocate for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]