

Sl.No.
838 13.08.2025

Court
No. 35

G.S.Das

WPA 21112 of 2024

Gita Karak & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Arun Kumar Maiti (Mohanty)
Ms. Kaberi Sengupta Mohanty
Mr. R. R. Mohanty
Mr. Shaheb Sadhukhan
Ms. Singdha Ghosh
Ms. Pusprita Chowdhury
Ms. Awantika Bajpai
Ms. Rajorna Mazumder
Ms. Delina Basu
... for the Petitioner(s)

Ms. Indrani Nandi
... for the State – Respondent(s)

Mr. Amit Meharia
Ms. Paramita Banerjee
Mr. Tamoghna Chattopadhyay
... for the respondent no. 6

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The writ petition was preferred with a prayer for conducting investigation by the CID and/or any other officer not below the rank of Additional Superintendent of Police against the respondent no. 9.

The subject matter of the case related to Uluberita PS Case No. 292 of 2023. An Affidavit was filed on behalf of the Superintendent of Police, Howrah Rural

District, Howrah *wherein* it was contended that on 26.07.2023 pursuant to an order being Howrah Rural District Org No. 455/PA dated 25.07.2023, the Officer-in-charge and Inspector-in-charge of various Police Stations and Sub-Traffic Guards (STG) were directed to carry out a special drive for detecting various illegal activities and result of such drive was also directed to sent to the office of the S.P. Howrah (Rural), District.

Pursuant to the aforesaid directions, the police force of Uluberia Police Station proceeded and found that Ramchandra Karak and Gita Karak at about 19.35 hours along with others were filling up a Government wet land with silver colour sand loaded in a dumper bearing no. WB 11E 5988 along with one JCB/Hydra bearing Registration No. WB 12BH 4134.

Under such circumstances, the respondent no.9 along with his force and

lady Police Constable asked the petitioner Gita Karak and her husband Ramchandra Karak to produce relevant documents in support of their attempt of filling up Government wet land. On being asked relating to filling up of such Government wet land, the petitioners became furious and aggressive and started attacking the police force with bamboo stick, iron rod, pelting stones apart from abusing with filthy languages. The petitioners also refused to produce any legal and valid documents.

During such attack by the petitioners, the respondent no.9 and another police constable, namely, Arup Kumar Manna got seriously injured which was brought to the notice of the Inspector-in-charge of Uluberia Police Station. Consequently, Uluberia P.S. Case No. 292 of 2023 dated 27.03.2023 was registered for investigation against the petitioner and others. The respondent no.9

was taken to Uluberia Sub-Divisional Hospital on 26.07.2023 at about 10.50 pm as he sustained injuries. To that effect, Injury Report of the respondent no.9 and another constable, namely, Arup Kumar Manna has been enclosed.

The records of the writ petition reflect that an application under Section 156(3) of the Cr.P.C. was preferred before the learned ACJM, Uluberia on 16.08.2023 and the learned Magistrate after conducting an enquiry directed the Inspector-in-charge of Uluberia Police Station to submit a report. Accordingly, a report was submitted and the learned Magistrate on perusal of the same ordered that the allegations of the petitioners were not substantiated and there were no need to initiate another case against the accused over the instant complaint.

Consequently, the said application under Section 156(3) of the Cr.P.C. was dropped on or about 28.08.2023 by the

learned ACJM, Uluberia.

Additionally, it is seen from the report submitted by the State-respondents that the location/area/wet land which was tried to be filled up was a Government wet land being Plot No. 1398 which is recorded as "*Nayanjuli*".

Having considered that by way of a judicial order, an application under Section 156(3) of the Cr.P.C. was rejected on 28.08.2023, as such, until and unless the said judicial order is set aside by a appropriate court of law, it would not be feasible for this Court to invoke the jurisdiction under Article 226 of the Constitution of India in respect of the prayers advanced in the writ petition. The petitioners, however, would be at liberty to exhaust their remedies available under the law. As such, further directions in the present writ petition are unwarranted.

Since none appears on behalf of

the State, Ms. Indrani Nandi, learned advocate, who ordinarily appears on behalf of the State is directed to appear on behalf of the State. Her appearance may be regularized by the concerned authority.

With the aforesaid observations, WPA 21112 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

