

03 **09.06.2026**
(DL) Court No. 05
 (Suwendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

WPA 4755 of 2026

Sankar Banik

–Versus –

The State of West Bengal & Others

Mr. Uday Sankar Chattopadhyay

Mr. Pronay Basak

Ms. Aishwarya Datta

Ms. Shreya Banerjee

Ms. Ankita Saha

.....for the petitioner

Mr. Subir Kumar Bhattacharyya

...for the respondent nos. 4 & 5

Ms. Anita Kundu

....for the State respondents

1) Matter is taken up for consideration in terms of order dated 12th May, 2026 when it is submitted by learned advocate representing the petitioner that steps were taken in terms of order dated 12th May, 2026 to remove the vehicles parked on National Highway-16. It is also submitted that by removing the vehicles parked on National Highway-16 obstruction on highway was removed.

2) However, on behalf of the petitioner grievance is ventilated with regard to steps taken by the concerned police authority relating to initiation of criminal prosecution being Liluah Police Station Case No. 46 of

2026 dated 4th February, 2026. According to the petitioner, investigation was not initiated appropriately and considering nature of alleged incident certain other provisions of Bharatiya Nyaya Sanhita, 2023 were required to be clamped but same was not done.

3) Having considered the submissions made on behalf of the parties and taking note of the report dated 6th April, 2026 of the Commissioner of Police, Howrah Police Commissionerate, at this stage Court is not inclined to interfere with the steps taken by the police authorities with regard to carrying out investigation in connection with Liluah Police Station Case No. 46 of 2026 dated 4th February, 2026. However, investigating agency is directed to expedite investigation and take the same to its logical conclusion.

4) If petitioner is aggrieved after filing report by the investigating agency on concluding investigation, petitioner shall be at liberty to take steps under section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the jurisdictional Magistrate.

5) It also appears from the record that issue involved in this writ petition relates to right of the petitioner to occupy the premises in question under tenancy agreement. Therefore, issue is civil in nature. Leave is also granted to the petitioner to approach the civil court in pursuit of his remedy.

6) Since it was found by this Court that due to certain reasons vehicles of the petitioner were parked on National Highway-16 which was not attributable to the

petitioner concerned respondent authorities were restrained to impose fine due to parking of vehicles on National Highway-16. Today it is submitted on behalf of the petitioner that vehicles are removed from National Highway -16. Hence, interim order passed on 7th April, 2026 staying imposition of fine due to parking of vehicles on National Highway-16 is made absolute and petitioner shall not be liable to pay fine.

7) Writ petition stands disposed of.

8) There shall be no order as to costs.

9) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)