

(2011) 07 CAL CK 0067

Calcutta High Court

Case No: Writ Petition No. 12099 (W) of 2011

Hindusthan National Glass and
Industries Limited and Another

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision: July 27, 2011

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Saktinath Mukherjee, Samit Talukdar, Arindam Banerjee, Sudeshna Bagchi and Ayan Chakraborty, for the Appellant; Ashok Banerjee, Government Pleader and Susobhan Sengupta, for the Respondent

Judgement

Jayanta Kumar Biswas, J.

Relying on the document at p.63, Mr Mukherjee appearing for the Petitioners submits that inspite of the fact that the authorities have found that the police should take immediate actions against those whose names were mentioned in the FIR, the police have not taken effective steps, and that as a result the Petitioners are unable to run their business. He has invited me to pass an order directing the Superintendent of Police concerned to supply the Petitioners requisite number of police guards at their expense so that law and order can be maintained in and around the business places of the Petitioners.

2. Mr Benerjee, the Government Pleader, appearing for the State has submitted that the Petitioners are virtually seeking enforcement of a decision of the Sub-divisional Officer, Serampur, Hooghly dated July 16, 2011. His further submission is that whether this is a fit case for supply of police guards at the Petitioners' expense is to be decided by the competent authority.

3. In view of provisions of the Police Regulations the Superintendent of Police, Hooghly is competent to decide the question whether in the facts and circumstances of the case police guards should be supplied to the Petitioners for maintaining law and order in and around their business places. I do not think it is

necessary to keep the petition pending for deciding the other questions, especially when, in my opinion, the Petitioners' remedy against the persons who are allegedly committing offences is before the Criminal Court.

4. For these reasons, I dispose of the petition ordering as follows.

5. If the Petitioners submit the requisite application seeking supply of police guards at their expense, then within three days from the date of receipt of the application the Superintendent of Police, Hooghly shall give a reasoned decision after making enquiry and recording proceedings. The decision shall be communicated to all at once.

6. If it is decided that police guards are to be supplied to the Petitioners at their expense, then order for the purpose shall be issued within 24 hours from the moment of deposit of the requisite amount.

7. It is made clear that if police guards are supplied, then they shall only maintain law and order in and around the business places of the Petitioners. Nothing herein shall prevent the police and the Petitioners from initiating prosecution before the Criminal Court against the persons who are allegedly committing offences.