

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings With signature
			<p style="text-align: right;"><b><u>WP(C) 1526 of 2017</u></b></p> <p style="text-align: center;"><b>B E F O R E</b> <b>THE HON'BLE MR. JUSTICE S.TALAPATRA</b></p> <p><b><u>30.11.2017</u></b></p> <p>Heard Mr. Somik Deb, learned counsel appearing for the petitioner as well as Mr. S. Chakraborty, learned Additional GA appearing for the respondents.</p> <p>By the order dated 27.11.2017, the respondents were asked to explain when there was an apprehension of perceived and threat breakdown of peace and tranquillity in the area, the police assistance was not provided to the petitioner.</p> <p>The petitioner had come into possession of the land in terms of the decree dated 30.09.2010 delivered in Title Suit no. 04 of 2008 by the Civil Judge, Senior Division, South Tripura, Udaipur, as it then was and started construction.</p> <p>The appeals from that judgment in the superior fora were dismissed and finally by virtue of the execution proceeding, the petitioner came into possession. Thereafter, he made all preparations to construct a building through an agency, but when he started the construction, the adversaries raided the place and threatened by flaunting that they will not allow the construction to go on. The petitioner immediately lodged a complaint in the R.K. Pur police station urging protection, but the police refused to give the protection on the ground that they do not have sufficient force to provide such protection. The said statement as recorded in the writ petition has found its ratification in the parawise comments produced before this court today by Mr. S. Chakraborty, learned Additional GA. The parawise comments have been submitted by the Superintendent of Police, Gomati. Relevant part reads as under:</p> <p style="padding-left: 40px;">“ On perusal of the written complaint as well as from verbal disclosure of the petitioner, considering demand of posting of adequate police staff for protection of ongoing voluminous construction work over the leased out land property of the petitioner, finding the requirement of the petitioner almost impossible to implement from the existing resource of a police station for round the clock. O/C, R.K. Pur police station tried to convince the petitioner that beside maintenance of law and order, duties and allied multiple nature of routine work it is impossible from the part of a police station to ensure all round protection of such private construction work from the existing resource of a police station. On this backdrop, Officer In-charge of the police station scribed the note on the left foot of the complaint dated 17.11.2017 of the instant petition”.</p> <p>Mr. Deb, learned counsel appearing for the petitioner has submitted that there was serious threat to law and order in that area by the adversaries who had filed the litigation or their men.</p>

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings With signature
			<p>Mr. Chakraborty, learned Additional GA has categorically submitted that having regard to the resource of the concerned police station, it will not be practicable to provide police coverage round the clock, around the construction or the location.</p> <p>Having appreciated the said submission, this court is of the view that the petitioner cannot get round the clock protection, but the police must keep an active vigil so that no adversary can cause any damage or can give threat to the personnel who will be engaged for the construction work and the Officer-in-charge of R.K. Pur police station shall review the arrangements from time to time in order to ensure appropriate deployment.</p> <p>This arrangement can last for a maximum period of 30 days, but it will be subject to the review by the Officer-in-Charge of the police station as stated. However, the petitioner will be at liberty if the petitioner is inclined to have round the clock security coverage by the police, the petitioner shall make an application to the Superintendent of Police, Gomati District to the effect that he would pay the pay and allowances for the security contingent, if posted in that area. In that event, the Superintendent of Police, Gomati may accept the proposal considering the threat perception.</p> <p>In terms of the above, this writ petition is allowed.</p> <p>Copy of this order be furnished to the learned counsel appearing for the parties.</p> <p><b>JUDGE</b></p>
	Saikat		