



FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

918

Dist. Alipurdwar P.S. Falakata Year 2022 FIR No. 317/22 Date 26.06.22(i) Act IPC Sections 447/123 T.P. Act 379/122 Sections 34

(ii) Act _____ Sections _____ (iv) Others Acts & Sections _____

(a) Occurrence of Offence Day Saturday Date From 27.05.21 Date To 4 to 3 daysTime Period 16.00 hrs. Time From _____ Time To _____(b) Information received at P.S. Date 26.06.22 Time 21:05 hrs(c) General Diary Reference Entry No. (s) 863 Time 21.05 hrType of Information _____ Written / Oral WrittenPlace of Occurrence : (a) Direction and Distance From P.S. 1.5 KM. Nant Beal No(d) Address Rabindranagar, P.S. Falakata, Dist. Alipurdwar(e) In case outside limit of this Police Station, then the
Name of the P.S. _____ District _____

Complainant / Informant:

(a) Name Manoj Subudhan(b) Father's / Husband's Name Shri. Pradyumn Subudhan(c) Date / Year of Birth _____ (d) Nationality Indian

(e) Passport No. _____ Date of Issue _____ Place of Issue _____

(f) Occupation _____

(g) Address Rabindranagar, P.S. Falakata, Dist. AlipurdwarDetails of known / suspected / unknown accused with full particulars (1) Dilip Kr. Saha, 20th(Attach separate sheet, if necessary) Samal Saha, (2) Joti Saha, both of BabuparaPO. 105 + Dist. Alipurdwar, (3) Nipa Saha @Samal Saha @ P.O. 105 + Dist. Alipurdwar, P.S. Falakata, Dist. Alipurdwar(4) Kamal Saha, 20th Ward, Subudhan of Babupara, P.S. Dist. Alipurdwar(5) Suman Saha, 20th Ward, Subudhan of Babupara, P.S. Dist. AlipurdwarReasons for delay in reporting by the Complainant / Informant both of RabindranagarP.S. Falakata, Dist. Alipurdwar

Particulars of properties stolen / involved (Attach separate sheet, if necessary)

Total value of properties stolen / involved _____

Inquest Report / U.D. Case No. if any N/AFIR Contents (Attach separate sheet, if required) The original written complaint which is
attached to FIR is enclosed herewithAction taken: Since the above report reveals commission of offence as mentioned at item No. 2, registered the case and took up to the investigation / directed 1st K. Saha to take up investigation / refuse investigation / transferred to P.S. Bazmud on point of jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.Signature / Thumb impression of the Complainant / Informant _____
Signature of the Inspector in Charge, Police Station
Falakata Police Station
Dist. AlipurdwarDate & Time of dispatch to the court: _____
Name Sri Suvodan Singh
Rank Inspector No. Police
Falakata P.S.

IN THE COURT OF THE L.D. A.C.J. M. ALIPURDUAR DIST ALIPURDUAR

Misc Case No. 58/2021

Complainant
SRI MANOJ SUTRADHAR
S/O PRIYA NATH SUTRADHAR,
Resident of Vill. Rabindra Nagar,
P.O. & P.S. Palakata,
Dist. Alipurdhwar

Received on 22.04.22 at 11:35 AM. vide
GD# no. 467, dtd 22.04.22 and dated
Palakata, P.S. District. 467/22 P.S.
22.04.22 467/427/408/403/406/420/120B/188
24.4.22

Inspector - in - Charge
Palakata Police Station
Dist. Alipurdhwar

Accused Person
1) SRI DILIP KUMAR SAHA,
S/O LT. SAMAR SAHA,
2) SRI JONI SAHA,
S/O UNKNOWN,
Both S/O Vill. Babupara,
P.O. & P.S. Alipurdhwar,
Dist. Alipurdhwar
3) NIPA SAHA & SANJIT SAHA,
S/O UNKNOWN,
Resident of Vill. Madari Road,
Masturpura, P.O. & P.S. Palakata,
Dist. Alipurdhwar
4) SRI KAMAL SARKAR,
S/O KEDAL SARKAR,
Resident of Vill. Durgahuri,
P.O. & P.S. Alipurdhwar,
Dist. Alipurdhwar
5) SRI BARUN GANGULY,
S/O TUNIR GANGULY,
6) SRI TANMOY KUNDU,
S/O UNKNOWN,
Both of Resident of Vill. Rabindra Nagar,
P.O. & P.S. Palakata, Dist. Alipurdhwar

◆ Date of Occurrence of Incident

:- 27/03/2021 corresponding to 13th
Chaitra 1427 BS at Saturday at about 4
P.M. for 4 to 3 days on wards

Complainant U/S. 447/370/427/408/403/406/420/120B/188 I.P.C

Name of Witnesses

- 1) SRI CHIRANJIT SUTRADHAR,
S/O GOURANGA SUTRADHAR
- 2) SRI HARUN BISWAS,
- 3) SMT. MANJU SARKAR,
W/O RABINDRA CH SARKAR,
- 4) BEKHA BEGAM,
W/O NURUL ISLAM,
- 5) SUNIL SARKAR,
- 6) GOURANGA SUTRADHAR
and many others,
All Resident of Vill. - Rabindra Nagar,
Palakata, P.O. & P.S. Palakata,
Dist. Alipurdhwar

Petition 156 (3) CR P.C. for treating the same as FIR

Contd. P/2


Handwritten notes and signature in the top right corner.

The above named complainant begs to state as under:-

1. That the complainant and the witnesses are the citizen of India and the permanent inhabitant of the same locality as mentioned in the cause title of the complain and they are residing and doing vending activities in the area for year and offers goods for sell to the public at large and the duration of the complainant and her witnesses would be more than 35 years or upwards by constructing building and various kinds of structure in the area of Rabindra Nagar, Falakata which is a temporary house also and living with their family members approx 150 person and houses would be 35 approximately.
2. That the complainant and his witnesses states that suddenly without being served a notice the accused persons and few unknown persons by using bulldozer, crane, pashran along with other unknown persons started demolishing the shops and residential houses containing building, tin shed ghar and the numbers of dwelling houses would be 35 or upwards on enquiry the complainant and his witnesses come to know that the accused persons along with their agents who are unknown persons with a connivance of local gram panchayat doing the illegal acts.
3. That the complainant states that without prior intimation or any notice the accused persons starting demolishing their shops and houses illegally. Thereby causing extreme prejudice in your complainant and his witnesses and other neighbours those are not maintainable in law.
4. That your complainant states that the acts of accused persons are arbitrary and violative of the principal of natural justice and suffers from the vice of wednesbury unreasonableness procedural impropriety and illegality high handed in colorable exercise of power and or in wrongful usurpation thereof and amount of malice in law.
5. That your complainant states that the destruction of shops and huge number of houses were arbitrary and without proper justification which curved and violated the principal of natural justice and were therefore liable to set aside.
6. That your complainant states that the right to carry on trade or business mentioned in article 19 (1) (g) of the constitution, if street vending properly regulated cannot be denied on the ground that the streets mend exclusively for passing or re-passing and for no other use as proper regulation is however a necessary condition as otherwise the very object of laying out roads to facilitated traffic may be defeated.
7. That the complainant must respectfully that constant threat by the street vendor by losing their source of lively hood has force to them to seek intervention of the courts across the country from time to time in last three decades the Honble Supreme court of India has passed several judgements directing the respective govt. And local bodies find out a workable solution of the problems of streets vendors and their dwelling houses. Subsequently the parliament of India enacted the street vendors protection and livelihood and regulation of street vending act 2014 which came into force with effect from 1st may 2014.

Memorandum
 03/03/2021
 5

15. That the complainant states that entire demolishing process is carried on by the accused persons violating the order passed by Honble High Court the complainant and her witnesses repeatedly informing the accused persons in different ways and manners but the accused persons did not pay any heed nor respect the order passed by the Honble High Court finding no other alternative way the complainant lodge an F.I.R stating the entire incident to the police in writing on 27/03/2021 and also on 29/03/2021 but the accused persons did not put any concern about the grievance of the complainant and the order passed by the Honble High Court and photocopy of FIR are annexed herewith.
16. That the complainant states that even after filing the FIR the PS concern did not take any action against the accused persons for violation of the Honble High Court's order and the complainant finding no other alter native way made complain to the I.C. Falakata P.S. on 03/04/2021 the complaint state that still date nothing fruitful result has yet been received.
17. That the complainant state that inspite of the aforesaid written complaint and lodging of FIR to investigate the case there has been fetal in action on part of the police authority in such circumstances of alleged commission of offence above mentioned.
18. That the police persons have willfully neglected to exercise their power to take action against the accused persons being a public body have acted unlawfully.
19. That the complainant lastly on 30/12/2021 against submitted FIR to the I.C Falakata P.S. and copy forwarded to the S.P. Alipurdwar but the police concern did not take action against the accused persons who are very influential person.
20. That due to the activities of the accused persons the 30 to 40 numbers of families of the locality the accused persons on 27/03/ 2021 damage the dwelling house, shops i.e. dokon ghar has been demolish and also took away huge number of usable articles as caused damage by crane, bulldozer, JCP, pokhran etc. and also looted huge amount of money and other articles and damage has been caused amounting to Rs. 2 crore rupees as the complainant and her witnesses sustain a huge loss and the house and vendor shops has been demolish as a result the complainant and her witness and other inhabitants of the locality of Rabindra Nagar Falakata has been homeless and became street beggars and the complainant MANOJ SUTRADHAR again lodged FIR on 30/12/2021 but the PS Concern and SP, Alipurdwar did not take any action. The Xerox copy of FIR and postal receipt are enclosed herewith.
21. That being aggrieved and by dissatisfied with the aforesaid impugned action or in action of the accused persons your complainant preferred a writ petition being WPA no. 199 of 2021. The Honble circuit bench of Calcutta High Court at Jalpaiguri the matter came up for hearing before his lordship the Honble Justice Rajsekhar Maitra on 28/09/2021 his lordship was pleased to direct that inter-alia "the petitioner has any grievance for violation of order of this court suitable steps would be taken in accordance to law" photo copy of order dated 28/09/2021 is annexed herewith.

Manoj Sutradhar

 04/12/2024

22. That the accused persons have committed the offence under the aforesaid section of IPC and the witness will prove the occurrence.

23. That the complainant and her witness have also informed the allegation on several occasions but no action was taken or did not show any respect of the Honble High Court order. The Xerox copy of FIR and other related documents of Honble High Court is enclosed herewith for kind perusal of the Ld. Court.

Accordingly it is prayed that Your Honour would be graciously be pleased to sent this complaint to the I.C. Palakata P.S. as per section 156(3) of Cr.P.C. and treating the same as FIR and punished the accused persons as per law and to pass such other order or orders as Your Honour may deem fit and proper.

A SCHEDULE OF LAND

Dist. Alipurdhar, P.S. Palakata, Mouja- Chuakhola, under Rabindra Nagar, Palakata, present municipal ward no. 09, J.L. no. 59, area measuring 2 Bigha (approximately).

B SCHEDULE LAND of BARUN BISWAS

North- Sunil Sarkar,

South- Jagdish Biswas,

East- Dulal Sarkar,

West- Pucca Road, Pucca Full Wall house,

Shop room 5 numbers Dotala,

C SCHEDULE OF LAND OF MANJU SARKAR

North- Manoj Sutradhar, South- Sunil Das,

East- Swapan Dey & Pran Krishna Dutta, West- Pucca Road, House Pucca,

Full wall 4 room measuring 4.5 dec.

D SCHEDULE OF LAND OF REKHA BEGAM

North- Bimal Saha, South- Gouranga Sutradhar,

East- Milan Das, West- Pucca Road House Pucca Full wall,

4 numbers of room,

E SCHEDULE OF LAND OF GOURANGA SUTRADHAR

North- Rekha Begum & Rajesh Sah Sonar, South- Manoj Sutradhar,

East- Kanu Dhar, West- Pucca Road land measuring 4 dec. 5 numbers of dotala,

F SCHEDULE OF LAND OF SUNIL DAS

North- Manju Sarkar & Rathindra Sarkar, South- Barun Biswas,

Manoj Sutar

6

12/04/2021

East- Dulal Sarkar, West- Pucca Road, land measuring 04 dec. House half wall, 3 numbers of room and separate shop one (furniture),

G SCHEDULE OF LAND BIMAL SAHA

North- Kailash Prasad, South- Rajesh Sah Sonar & Rekha Begam,

East- Badhan Dey, West- Pucca Road, House Pucca 4 numbers of room,

Separate shop measuring 4 dec.

H SCHEDULE OF LAND OF MANOJ SUTRADHAR

North- Gouranga Sutradhar, South- Manju Sarkar,

East- Swapan Dey & Paritosh Sarkar, West- Pucca Road measuring 04 dec Pucca House, 2 numbers of shops (electric) & One Kali Mandir,