# IRST INFORMATION REPORT

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IN THE COURT OF THE LD. A.C.J. MAT ALIPURDUAR DIST AUPURDUAR

37/4/32

Misc Case No. 15 4 /2022

Complainmit
SHI MANIAI SUTRADHAR
S/O PRIYA NATH SUTRADHAR
Resident of VIII Rabinates Name
Fig. 4 P. S. Falakets.
Dist. Alleurdung

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frequency - In - Charge Falakata Police Station Dist. Allegar than Accused Persons

INSPIDILIP KUMAR SAHA,

S/O'LT SAMAR SAHA,

JI SRI JONI SAHA,

S/O'UNKROWN,

Both B/O'VIII Subtripare,

P.O. & P.S. Allipurduar,

Dist. Allipurduar,

Dist. Allipurduar,

Manuspurs, P.O. & P.S. Palidata,

Manuspurs, P.O. & P.S. Palidata,

Mastrones, P.O. & P.S. Pala Der Aipprotone 4) SRI KAMAL SARKAR, E. O. KEHAL SARKAR, Resident of VIII. Durgation, P.O. & P.S. Alipurduer, Dist. Aipproduer, DIST. PARUN GANGULY, S/O. TOMR GANGULY,

or SRI TARMOY KUNDU, S/O UNKNOWN, Both of Resident of Vill- Rabbodra Nagar, IFO A P.S. Palakana, Dist. Aliparities

. Date of Occurrence of incident

Chairs 1427 BS at Saturday at about 4 P.M. for 4 to 3 days on words

Compliant U/S

447/379 427/408/403/406/420/120B/188 1 P.C

#### Manne of Witness

- I) SRI CHIRANJIT SUTRADHAR, S/O GOURANGA SUTRADHAR
- J) SPI HARLIN INSWAS
- W/O RABINDRA CH SAREAR.
- W/O SURULISIAM
- 5 BUMB SARKAR
- and many mhers.
  All Resident of Vill Rabindra Name.
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  Dist. Apportuni

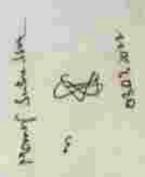
Printing 156 63; CP P.C for treating the name as FIR



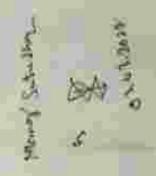
#### PAME

# The above named complaint 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 traduary 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 buldojer, crane , poichran 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 known that the accused persons along with their agents who are unknown persons with a connivance of local gram panchayat doing the illrant onto-
    - 3. Thus the complainant states that without prior infimation or any notice the accused persons starting demolishing their shops and houses illegally. Thereby causing extreme prejudicy 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 hunded in colorable exercise of power and or in wrongful userpatient thereof and amount of malice in law.
    - 5. That your complainant states that the destruction of shops and buse number of houses were arbitratory and without proper justification which curved and violated the principal of patural nurice and were therefore bable to set aside.
    - 6. That your complament states that the right to carry on trade or business mentioned in article 19 (1) (a) 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 loaning their source of lively hand has force to them to seek intervention of the courts across the country from time to time in hist three decades the Henble Supreme court of India has passed several judgements directing the respective govt. And local bodies find out a surekable 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 wending act 2014 which came into force with effect frum 15 may 2014.



- 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 situesses repeatedly informing the accused persons in different ways and manners but the accuses persons did not pay any heed nor respect the order passed by the Honble High Court finding no other alternative way the complainant lodge in P.I.P. 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 berewith.
  - 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 Hon'ble High Court's order and the complainant finding no other after native way made complain to the LC Falakata PS 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 cuse there has been fetal in action on part of the police authority in such circumstances of alleged communion of offence above manufacted.
  - 18. That the police personels have willfully neglected to exercise their power to take action against the occused persons being a public body have acted unlawfully.
  - 19 That the complainant leady on 30/12/2021 against submitted PIR to the LC Falakata B.S. and copy forwarded to the S.P. Aligurdust 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 activities of persons the 30 to 40 numbers of families of the locality the activited persons on 27/03/ 2021 damage the dwelling bouse, abops to dokon ghar has been demolish and also took away huge number of usable articles as caused damage by crane, buildoger, 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 sostain a huge loss and the house and vendor shape has been demolish as a result the complainant and her witness and other in habitants of the locality of Rabindro Nagar Falakata has been homeless and became atreet beggars and the complainant MANOU SUTRADHAR again lodged FIR on 30/12/2021 but the PS Concern and SP. Alipurduar did not toke any action. The Xerox copy of FIR and postal receipt me enclosed herealth.
  - 21. That being augmented and by dissatisfied with the aforesaid imposened setting or in action of the accused persons your complainant preferred a writ petition being WPA no. 199 of 2021. The hontile circuit bench of Calcutta High Court at Julipaiguri the matter came up for hearing before his lordship the hontile Justice Railsekhar Mautha on 28/09/2021 has landship was pleased to direct that inter-alia 'the peritoner has any grinvance for endation of order of this court matchle steps would be taken in accordance to law photo copy of order dated 28/09/2021 it, annually herewith.



- That the accused persons have committed the offence under the aforesaid section of IPC and the witness will prove the occurrence.
- 23. That the complement and her witness have also informed the allegation on several occasion but no action was taken or did not show any respect of the Humble High Court order. The Xerox copy of FIR and other related documents of Honbile High Court is enclosed becauth for kind pertisal of the Ld. Court.

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

#### A SCHEDELE OF LAND

Dist. Alipurdum, P.S. Falakaro, Meuja- Chualibala, under Rabindra Nagar, Falakata, present municipal ward us 69, J.L. no. 59, area measuring 2 Bigha (approximately).

## B SCHEDULE LAND OF BARUN DISWAS

North-Sunil Sarkin,

South- Jaganish Biawan.

East-Dulid Sarkar,

West-Pupca Road, Pupca Full Wall house,

Shop room 5 numbers Dotals,

# C SCHEDULE OF LAND OF MANJU SARKAR

North- Manoj Sutradhar, South- Smil Das.

Bast- Swapan Dey & Pran Krishna Dutta, West- Posca Road, House Pieces,

Full wall 4 room measuring 4.5 dec.

# D SCHEDULE OF LAND OF REKHA BEGAM

North-Birnal Saha, South-Gouranga Sutradhar,

East- Miller Dun, West- Parca Road House Purca Full wall,

- numbers of room.

# E SCHEDULE OF LAND OF GOURANGA SUTRADHAR

North- Reicha Begam & Rajeah Sah Bonar, Sauth- Manoj Sutradhar,

East Kanu Dhar, West-Pursa Road land measuring 4 dec. 5 numbers of detain,

# E SCHEDULE OF LAND OF SUNIL DAS

North-Monju Sarkur & Rathindra Sarkar, South-Barun Biswan,



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

#### O 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 MANOU 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.