

17.02.2022.
Court No.13
Item No. 4
ap

W.P.A. No. 1352 of 2022
With
I.A. No. CAN 1 of 2022
(Through Video Conference)

Sri Rakesh Kumar Singh
Versus
Director, Alipore Zoological Garden & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Suryaneel Das,
Mr. Amrit Sinha,
Mr. Surojit Saha,
Mr. Francis Samson Correa,
Ms. Kiran Kumari Mahato.

...For the petitioner.

Mr. S. N. Mookherjee, Id. Advocate General,
Mr. Anirban Ray, Id. Government Pleader,
Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Ms. Chaitali Bhattacharya,
Mr. Raja Saha,
Mr. Kartick Kapas.

..For the State.

Mr. Debasish Ghosh,
Mr. Subhajit Roy.

...For the respondent no.1.

Mr. Srijib Chakraborty.

....For the Intervenor.

Mr. Soumya Majumder,
Mr. Mainak Ganguly.

...For the applicants
in I.A. No. 1 of 2022.

This Court has received reports, objections and replies from the parties. There appears to be peace in the area. Allegations have been made against the police of having sided with a section of employees in the formation of a new trade union. The management of the Zoo has also been stated to be partisan.

Mr. Bhattacharyya, Counsel for the petitioner submits that since his association has been thrown

out from the trade union office premises in the Zoo premises, the same ought to be restored. Reliance is placed on an assurance of the management dated 6th April, 2010, whereby and under the petitioner's association was granted possession of the trade union office.

This Court is of the view that the claims and grievances of the petitioner as recorded hereinabove, cannot be dealt with under Article 226 of the Constitution of India.

The Zoo Administration and police are ordered not to take sides and be impartial in dealing with any situation inside or outside the Zoo premises.

The complaint filed by the police shall be investigated and suitable report be submitted to the jurisdictional Magistrate within a period of one month from date. The complainants may take appropriate steps against such final report as they may be advised in accordance with law.

With the aforesaid observations, the instant writ petition shall stand disposed of.

In view of disposal of the main writ petition, the connected application being CAN 1 of 2022 shall also stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)