

~~100-101002/(A)~~
11/09/2024

Dated: 09.09.2024

From,

1. Sanatan Mondal, son of Late Jatindra Nath Mondal,
2. Gita Rani Mondal, wife of Sanatan Mondal,

Both resident of Buderhat, Nayabad, Post Office- Mukundapur, Police Station- Purba Jadavpur, Kolkata- 700099.



To,

The State Information Commissioner,
West Bengal Information Commission
11 A, Mirza Galib Street, Khadya Bhaban,
Kolkata-700 087;

Sub: A second appeal under section 19 (3) of the
Right to Information Act, 2005.

Sir,

We, Sanatan Mondal and Gita Rani Mondal are residents of a low land busty in a tin shed bamboo hut on a land admeasuring 2 cottahs within the District of South 24 Parganas, Police Station Purba Jadavpur, Buderhat, Mouza- Nayabad, Dag No. 3/78, Khatian No. 38, Kolkata- 700099, within the municipal limits of ward No. 109 of the Kolkata Municipal Corporation for the past 22 years. and have been residing within the said premises with our family comprising of two sons who are college going students together with the common user of common areas, passages, pathways attached thereto for free ingress and egress to the said premises having all necessary documents being

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09/09/24

voter's card, adhaar card, certificate of the local councilor, permanent electricity supply, ration card and rest others.

That we have been subjected to severe physical and mental torture by the neighbourhood residents since 2014 for no rhyme or reasons and on being complained of before the local Police authorities, there has been total non-cooperation from the said authorities.

Our free egress and ingress to our residence have been blocked by the miscreants as listed below. We have been debarred from taking drinking water from the government common tap. The credit given by us from our small garment shop has not been paid as yet. Whenever the police personnel have come to make an enquiry into the issue raised by us, the miscreants have pelted stones and bricks with usage of filthy languages. Based on our written complaints the local police authorities have not started cases against the miscreants but in return we have been booked by the said police into false and frivolous cases. The local police personnel gives false and fabricated reports both before the higher authorities and the courts.

Based on the above conspectus we have made an application under section 6 of the Right to Information Act, 2005 dated 30.05.2024 with the following queries which has been answered by the Officer-in-Charge dated 04.06.2024 and communicated to us by the SPIO vide letter dated 11.06.2024 which was received by us on 14.06.2024. The said informations are filled with error and non-application of mind by the SPIO and being aggrieved by the said informations, the appellant does prefer the present appeal.

1) Since, 2014 based on our written complaint what are the cases registered by the Purba Jadavpur Police Station against the miscreants?

Answer: The answer suggested for a case being Purba Jadavpur Police Station Case No. 9 of 2018.

Aggrieved: The answer does not reflect the fate of several other complaints made by us before the local police station till date and thus the present appeal.

2) What is the fate of the above referred cases?

Answer: The answer suggest for a charge sheet being filed by the police in the above referred case.

Aggrieved: The answer does not reflects to any other cases registered pursuant to the several complaints made by the appellant.

3) What steps have been taken by the authorities in respect of the complaint made by the applicants on 13.12.2023, 01.02.2024, 02.03.2024, 16.04.2024 and 13.05.2023 against the miscreants and erring police personnel?

Answer: Enquiry was conducted over the petition and enquiry does not reveal commission of any cognizable offence. Moreover, the enquiry reveals that the dispute narrated in the petition is related to occupied land of the applicants which is civil in nature.

Aggrieved: There has been no enquiry made by any authorities as has been suggested save and accept that the appellants were called by the police at the police station after a visit made to the locale. No statement and evidence have been collected by the police and while calling the appellants, the police personnel had created tremendous pressure on the appellants so as to withdraw the complaints made thus far and leave the house and go to any other place and on objecting to the ill-will of the said police personnel, the appellant had to face extreme hardships in the present place of residence.

There has been no proper enquiry as suggested nor there was any report made over to the appellant in such regard and there was

definitely narrations of facts in the complaint which should have led to registration of any offence and more so when the said complaint of police over action.

The report also suggests that the dispute narrated in the petition is related to occupied land of the appellant and the same is civil in nature which is vehemently objected to as, persistent threat of dire consequences by the miscreants, physical assaults suffered, threat of the police personnel and many more does not conclude to be a land dispute and thus civil in nature. The dispute is with regard to the life and liberty of a citizen of the Country which has been jeopardized by the miscreants and the local police personnel.

4) Has there been any case registered based on the complaints referred to in question No. 3?

Answer: No case was recorded.

Aggrieved: This act of the police authorities in not registering any case against the miscreants and the erring officers is a colorable exercise of power and might of the police authorities which has to be deprecated.

Being aggrieved by and dissatisfied with the reply given by the Officer-in-Charge, Purba Jadavpur Police Station dated 04.06.2024 the appellant had preferred the statutory first appeal which was considered by the concerned authority i.e. the Deputy Commissioner of Police, East Division, Kolkata Police and by an order dated 05.08.2024 which was received by us on 09.08.2024, the said first appellate authority had ordered that the said appeal does not sustain in law as all queries made in the RTI application was answered.

Being so aggrieved by and dissatisfied with the order dated 05.08.2024 passed by the first appellate authority, the appellant begs to move the instant second appeal on the following amongst other grounds:

- I. For that the RTI authority and the first appellate authority failed to appreciate that the report suggests that the dispute narrated in the petition is related to occupied land of the appellant and the same is civil in nature which is vehemently objected to as, persistent threat of dire consequences by the miscreants, physical assaults suffered, threat of the police personnel and many more does not conclude to be a land dispute and thus civil in nature but the dispute is with regard to the life and liberty of a citizen of the Country which has been jeopardized by the miscreants and the local police personnel.
- II. For that the RTI authority and the first appellate authority had not considered that the answer does not reflect the fate of several other complaints made by us before the local police station till date and thus the present appeal.
- III. For that the RTI authority and the first appellate authority ought not to have stated that the enquiry was conducted over the petition does not reveal commission of any cognizable offence and the enquiry reveals that the dispute narrated in the petition is related to occupied land of the applicants which is civil in nature.
- IV. For that there has been no enquiry made by any authorities as has been suggested save and accept that the appellants were called by the police at the police station after a visit made to the locale. No statement and evidence have been collected by the police and while calling the appellants, the police personnel had created tremendous pressure on the appellants so as to withdraw the complaints made thus far and leave the house and go to any other place and on objecting to the ill-will of the said police personnel, the

appellant had to face extreme hardships in the present place of residence.

- V. For that act of the police authorities in not registering any case against the miscreants and the erring officers is a colorable exercise of power and might of the police authorities which has to be deprecated.
- VI. For that no replies was given to the clarifications sought for in the appeal before the first appellate authority but have been rejected without showing any reasons whatsoever.

We, therefore, by way of the present appeal under the 2005 Act request your good office to have our questions correctly redressed for which we shall be highly obliged.

List of the miscreants:

1. Balai Mandol, son of late Budhiswar Mandol,
2. Parul Mandol, wife of late Budhiswar Mandol,
3. Malati Mandol, daughter of late Budhiswar Mandol and wife of Shasti Mondal,
4. Rani Mandol, wife of Shambhu Mandol.
5. Shambho Mandol,
6. Nakul Mandol,
7. Bharati Mandol, wife of Nakul Mandol,
8. Mangola Mandol, wife of late Shambhu Mandol,
9. Maya Mondal, wife of Basu Mandol,
10. Sabita Mandol, wife of Basu Mandol,
11. Basu Mandol,
12. Jhuma Sardar, wife of Madan Sardar,
13. Madan Sardar, son of late Nalini Sardar,
14. Gopal Sardar, son of Madan Sardar,
15. Durbala Paik, wife of Mihir Paik,

16. Soumitra Paik, son of Mihir Paik,
 17. Tushar Sardar,
 18. Mira Sardar, wife of Tushar Sardar,
 19. Patitpaban Mandol, son of Beguni Mandol,
 20. Sankar Mondal, son of Kalipada Mondal,
- All residents of Buderhat, Nayabad, Post Office-
Mukundapur, Police Station- Purba Jadavpur,
Kolkata- 700099.

Read over and explained to us by our son Janmenjoy Mondal in vernacular and we have understood the purport of the same.

Thanking you,

Yours truly,

সনাতন মন্ডল

(SANATAN MONDAL)

শ্রীমতী গীতা রানী মন্ডল

(GITA RANI MONDAL)

তারিখ ৩০/০৫/২৪

From
Mr. Sanatan Mondal
S/O-Lt. Jatindranath Mondal

Mrs. Gita Rani Mondal
W/O-Sanatan Mondal

Buderhat, P.O.- Mukundapur,
P.S.- Purba Jadavpur,
Kolkata - 700099
Mobile- 9674146922

To

1. The Director General of Police
West Bengal Police
Bhawani Bhawan, Belvedere Road
Alipore Police Line, Alipore
Kolkata - 700027
2. The Commissioner of Police
Kolkata Police
18, Lalbazar Street
Kolkata - 700001
3. The Deputy Commissioner of Police
East Division, Kolkata Police
Having Office at 512, Hossenpur
Kolkata - 700107
4. The Officer-in Charge
Purba Jadavpur Police Station
P.O.- Mukundapur, Kolkata - 700099

EW494682227IN IVR:6987494682227
SP PANCHASAYAR SO <700094>
Counter No:1,30/05/2024,11:07
To:DG OF POLICE,ALIPORE POLICE L
PIN:700027, Alipore HO
From:SANATAN MONDAL,MUKUNDAPUR
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



EW494682108IN IVR:6987494682108
SP PANCHASAYAR SO <700094>
Counter No:1,30/05/2024,11:07
To:COMMISSIONER ,18 LAL BAZAR
PIN:700001, KOLKATA GPO
From:SANATAN MONDAL,MUKUNDAPUR
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



EW494682077IN IVR:6987494682077
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Counter No:1,30/05/2024,11:07
To:DY COMMISSION,512 HOSSENPUR
PIN:700107, Madurdaha SO
From:SANATAN MONDAL,MUKUNDAPUR
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



EW494682085IN IVR:6987494682085
SP PANCHASAYAR SO <700094>
Counter No:1,30/05/2024,11:07
To:DC PURBA JADA,MUKUNDAPUR
PIN:700099, Mukundapur SO
From:SANATAN MONDAL,MUKUNDAPUR
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



বিষয়ঃ- তথ্য জানার আইন, ২০০৫ এর ৬নং ধারার দরখাস্ত ।

মহাশয়গন,

আমরা, শ্রী সনাতন মন্ডল ও শ্রীমতি গীতারানী মন্ডল উভয়েই বিগত ২০১৪ সাল থেকে আমাদের বাসস্থান ও তৎসংলগ্ন নানান অসুবিধা নিয়া আপনাদের কাছে দরবার করেছি যার মধ্যে অন্যতম হলো:-

ক) আসামীদের দ্বারা আমাদের চলাচলের রাস্তা বন্ধ করে দেওয়া ।

খ) সরকারী নলকূপ থেকে পানীয় জল নিতে বাধা দেওয়া ।

গ) আমাদের ছোটো ব্যবসার টাকা যা নানা লোকের কাছে প্রাপ্ত তা আটকে রাখা ।

চলমান পাতা নং.....২

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ঘ) পুলিশ প্রশাসন তদন্ত করতে এলে তাদের সামনে ইট পাটকেল মারা নানান রকম অশালীন ভাষা প্রয়োগ করা ।

ঙ) আমাদের অভিযোগপত্রগুলির পরিপ্রেক্ষিতে আসামীদের ওপর কোনো কেস না দেওয়া ।

চ) উল্টে আমাদের বিরুদ্ধে মিথ্যা কেস দেওয়া ।

ছ) পুলিশের মিথ্যা রিপোর্ট দেওয়া ।

জ) আমাদেরকে পুলিশের পক্ষ থেকে বসত বাড়ি ছেড়ে চলে যাওয়ার হুমকি দেওয়া ।

উক্ত নিবেদিত কার্যকলাপের বিরুদ্ধে আমরা বারবার প্রতিবাদ জানিয়ে এসেছি, কিন্তু দুর্ভাগ্যের কথা এই যে আজ অবধি আমাদের অসহায়দের কোনো সুরহা হয়নি ।

এমতাবস্থায় আপনাদের কাছে আমাদের নিম্নবর্ণিত প্রশ্নগুলির উত্তর তথ্য জানার আইন, ২০০৫ এর ৬নং ধারায় জানতে চাই :-

- ১) আমাদের ২০১৪ থেকে সমস্ত দরখাস্তের পরিপ্রেক্ষিতে এখনো পর্যন্ত আসামীদের বিরুদ্ধে কি কি মামলা রুজু হয়েছে ?
- ২) উক্ত মামলাগুলোয় বর্তমানে কি অবস্থা ?
- ৩) আমাদের বিগত ১৩/১২/২০২৩, ০১/০২/২০২৪, ০২/০৩/২০২৪, ১৬/০৪/২০২৪ ও ১৩/০৫/২০২৪ তারিখে দেওয়া অভিযোগপত্রের পরিপ্রেক্ষিতে আসামী ও হানিকর পুলিশ প্রশাসনের বিরুদ্ধে কি কি ব্যবস্থা নেওয়া হয়েছে ?
- ৪) উক্ত তারিখের পশ্চের দরখাস্ত অনুযায়ী কোনো মামলা রুজু হয়েছে কিনা ?

উক্ত প্রশ্নগুলির সঠিক উত্তর দিলে আমরা বাধিত হইব ।

ধন্যবাদান্তে ।

তারিখ: ৩০/৫/২৪

বিনীত / বিনীতা -

সনাতন মন্ডল

সনাতন মন্ডলের স্বাক্ষর

গীতারানী মন্ডল

গীতারানী মন্ডলের স্বাক্ষর

Government of West Bengal
Office of the Assistant Commissioner of Police & SPIO
East Division, Kolkata
512, Hossenpur, Kolkata-700107

Memo No: *ED/1-1507 / RTI*

Date: *11.06.24*

To: Sri. Sanatan Mondal,
S/O Late Jatindranath Mondal,
Buderhat, P.O- Mukundapur,
PS- Purba Jadavpur,
Kolkata- 700099.
Mob: 9674146922.

Ref: This office memo no. ED/RTI- 47 dated- 05.06.2024.

Sub: Information report sought by you through your RTI Application dated 30.05.2024 before The Joint Commissioner of Police (MOD) & SPIO, Kolkata Police, 18, Lalbazar Street, Kolkata -700001 under 6(1) RTI Act, 2005.

Report of O.C Purba Jadavpur Police Station, East Division, Kolkata Police dated 07.06.2024 (as per Sec.6 (3) RTI Act, 2005) in connection with your RTI petition dated 30.05.2024 is attached herewith for information as sought by you.

Sanatan Mondal,
11.06.24,
Assistant Commissioner of Police (I)
&
State Public Information Officer.
East Division, Kolkata.
Assistant Commissioner of Police (I)
East Division, Kolkata

Memo No:

Date:

Copy forwarded to: Jt. C.P (Mod) & SPIO, Kolkata Police 18, Lalbazar Street, Kolkata-700001 for kind information and N/A.

~~Assistant Commissioner of Police (I)~~
&
~~State Public Information Officer.~~
~~East Division, Kolkata.~~



A.C. (I), ED

Re: The attached petition filed by Mr. Sanatan Mondal, S/O- Lt. Jatindranath Mondal of Buderhut, P.O.- Mukundapur, P.S. Purba Jadavpur, Kolkata – 99 dated 30.05.2024 submitted under Right to Information Act, 2005 vide PJP/RTI – 47/2024.

Sir,

With due respect, I would like to inform you that the above referred petition has been received by this P.S. on 06.06.2024.

In reply to the attached query, furnishing information point wise:

1. Purba Jadavpur P.S. Case No. 89 dated 17.08.2018 U/S – 341/323/506/114 IPC was indexed upon the complaint of Mrs Gita Rani Mondal.
2. On completion of investigation Charge sheet vide. Purba Jadavpur P.S. Charge Sheet No. 66 dated 10.11.2018 has also been submitted before Ld. ACJM, Alipore, 24 PGS (S) against Durbala Paik, Jhuma Sardar, Rani Mondal and Meera Sardar (neighbours).
3. Enquiry was conducted over the petitions and enquiry does not revealed commission of any cognizable offence. Moreover, the enquiry reveals that the dispute narrated in the petitions is related to occupied land of Mr. Sanatan Mondal, S/O- Lt. Jatindranath Mondal of Buderhut, P.O.- Mukundapur, P.S. Purba Jadavpur, Kolkata – 99 which is Civil in nature.
4. No case was recorded.

This is for your kind perusal and onward transmission.

Yours faithfully,

Insp Shaibal Roy
Officer in Charge
Purba Jadavpur PS

Officer-in-Charge
Purba Jadavpur P. S
Kolkata Police

Dated: 5.07.2024

From,

1. Sanatan Mondal, son of Late Jatindra Nath Mondal,
2. Gita Rani Mondal, wife of Sanatan Mondal,

Both resident of Buderhat, Nayabad, Post Office- Mukundapur, Police Station- Purba Jadavpur, Kolkata- 700099.

To,

The Commissioner of Police, Kolkata Police, having office at Lalbazar, Kolkata- 700001;

Sub: A first appeal under section 19(1) of the Right to Information Act, 2005.

Sir,

We, Sanatan Mondal and Gita Rani Mondal are residents of a low land busy in a tin shed bamboo hut on a land admeasuring 2 cottahs within the District of South 24 Parganas, Police Station Purba Jadavpur, Buderhat, Mouza- Nayabad, Dag No. 3/78, Khatian No. 38, Kolkata- 700099, within the municipal limits of ward No. 109 of the Kolkata Municipal Corporation for the past 22 years and have been residing within the said premises with our family comprising of two sons who are college going students together with the common user of common areas, passages, pathways attached thereto for free ingress and egress to the said premises having all necessary documents being voter's card, adhaar card, certificate of the local councilor, permanent electricity supply, ration card and rest others.

That we have been subjected to severe physical and mental torture by the neighbourhood residents since 2014 for no rhyme or reasons and on being complained of before the local Police authorities, there has been total non-cooperation from the said authorities.

Our free egress and ingress to our residence have been blocked by the miscreants as listed below. We have been debarred from taking drinking water from the government common tap. The credit given by us from our small garment shop has not been paid as yet. Whenever the police personnel have come to make an enquiry into the issue raised by us, the miscreants have pelted stones and bricks with usage of filthy languages. Based on our written complaints the local police authorities have not started cases against the miscreants but in return we have been booked by the said police into false and frivolous cases. The local police personnel gives false and fabricated reports both before the higher authorities and the courts.

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1) Since, 2014 based on our written complaint what are the cases registered by the Purba Jadavpur Police Station against the miscreants?

Answer: The answer suggested for a case being Purba Jadavpur Police Station Case No. 9 of 2018.

Aggrieved: The answer does not reflect the fate of several other complaints made by us before the local police station till 13.05.2024 and thus the present appeal.

2) What is the fate of the above referred cases?

Answer: The answer suggest for a charge sheet being filed by the police in the above referred case.

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Answer: Enquiry was conducted over the petition and enquiry does not reveal commission of any cognizable offence. Moreover, the enquiry reveals that the dispute narrated in the petition is related to occupied land of the applicants which is civil in nature.

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registration of any offence and more so when the said complaint of police over action.

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1. Balai Mandol, son of late Budhiswar Mandol,
2. Parul Mandol, wife of late Budhiswar Mandol,
3. Malati Mandol, daughter of late Budhiswar Mandol and wife of Shasti Mondal,
4. Rani Mandol, wife of Shambhu Mandol.
5. Shambho Mandol,
6. Nakul Mandol,

7. Bharati Mandol, wife of Nakul Mandol,
8. Mangola Mandol, wife of late Shambhu Mandol,
9. Maya Mondal, wife of Basu Mandol,
10. Sabita Mandol, wife of Basu Mandol,
11. Basu Mandol,
12. Jhuma Sardar, wife of Madan Sardar,
13. Madan Sardar, son of late Nalini Sardar,
14. Gopal Sardar, son of Madan Sardar,
15. Durbala Paik, wife of Mihir Paik,
16. Soumitra Paik, son of Mihir Paik,
17. Tushar Sardar,
18. Mira Sardar, wife of Tushar Sardar,
19. Patitpaban Mandol, son of Beguni Mandol,
20. Sankar Mondal, son of Kalipada Mondal,

All residents of Buderhat, Nayabad, Post Office-
Mukundapur, Police Station- Purba Jadavpur,
Kolkata- 700099.

Read over and explained to us by our son Janmenjoy Mondal in vernacular and we have understood the purport of the same.

Thanking you,

EW4747066979IN INR:6987474906
SF MUKUNDAPUR SD <700099>
Counter No:2,05/07/2024,11:25
To:THE COMMISSIO,KOLKATA POLICE
PIN:700001, KOLKATA GPO
From:SANATAN MON,BUDERHAT NAYABA
Wt:30gms.
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002664888> <Wear Masks, Stay Safe>



Yours truly,

সানতান মন্ডল

(SANATAN MONDAL)

(GITA RANI MONDAL)

গীতা রানী মন্ডল

Office of the Deputy Commissioner of Police
East Division, Kolkata
512, Hossenpur, Kolkata-700107.

Memo No: - ED/1-1976/RTI

Date:- 05.08.24

From: - The Deputy Commissioner of Police,
East Division, Kolkata
&
First Appellate Authority,
East Division, Kolkata.

To: Shri. Sanatan Mondal
S/o- Late Jatindra Nath Mondal
Buderhat, Nayabad, P.O- Mukundapur
PS- Purba Jadavpur, Kolkata-99.

Decision of the First Appeal:-

Perused the first appeal of Sri. Sanatan Mondal dated 05.07.2024 vide ED/RTI-52 dated 10.07.2024. Also perused the original RTI applications dated 30.05.2024 & 14.06.2024 vide ED/RTI-47 dated 05.06.2024 and ED/RTI-50 dated 03.07.2024.

As per RTI applications dated 30.05.2024 and 14.06.2024, reply's were sent to the applicant on 11.06.24 & 10.07.2024 vide ED/I-1507/RTI dated 11.06.2024 and ED/I-1754/RTI dated 10.07.2024 through Indian Post within stipulated period by the SPIO & SAPIO, East Division, Kolkata.

Its appears to the undersigned that the SPIO & SAPIO has sent all information, as available at Purba Jadavpur Police Station vide sec. 6(3) RTI Act,2005 to the applicant following RTI Act, 2005.

Hence, the appeal for not giving correct information does not sustained.

I do not find anything wrong as per RTI Act, 2005 that any information suppressed by the Assistant Commissioner of Police (I) & (II), E.D in their replies.

Hope all the queries raised in your appeal have been answered.

In view of above, your appeal is treated as addressed and fulfilled.



5.8.24

Deputy Commissioner of Police
East Division, Kolkata.
Deputy Commissioner of Police
East Division, Kolkata

Copy to: SPIO, East Division, Kolkata.

Deputy Commissioner of Police
East Division, Kolkata.