

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

W.P.A. 22193 of 2023

Dr. Ranjan Sengupta
Vs.
The State of West Bengal & Others

For the Petitioner : Mr. Kaustav Chatterjee
For the State : Mr. Wasim Ahmed
Mr. M. Sahabuddin
For the Private Respondents : Mr. Gautam Ghosh
Mr. Susnigdho Bhattacharyya
Ms. Bidisha Chakraborty
Heard on : 22nd November, 2023
Judgment on : 22nd November, 2023

The Court:

This is an application for removal of CCTV Cameras from a building and for police protection.

Copies of photographs filed on behalf of the petitioner are taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a doctor by profession. The private respondents are the co-owners of the

flat in the said building complex. Under the leadership of respondent no. 10, a local strong man, they are harassing and intimidating the petitioner over their demand of extra maintenance for the petitioner's flat. In fact, he was accosted on one occasion, abused and assaulted. A gold chain was stolen by one of the co-residents for which the petitioner was constrained to file an F.I.R. The travails of the petitioner seem to have no end. Now the co-residents are installing CCTV cameras in the corridor so as to keep watch on the petitioner's activities. This is violating the petitioner's fundamental right to privacy.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The members of the building complex including the association have decided to install the CCTV cameras for the protection of the residents. Often there are unscrupulous people coming in. There is a need for overall surveillance. The petitioner is in the habit of filing frivolous cases. The instant proceeding is only meant to harass the private respondents and stop them from taking steps for the purpose of their security.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegation of police inaction is denied. The police, however, are keeping a sharp vigil at the locale. On the complaint of the petitioner, proceeding has been initiated under Section 107 of the Code. On an application filed by the petitioner under Section 156(3) of the Code, an F.I.R. has also been registered and the same is being investigated.

Community living requires a great deal of civility and appreciating concerns of others. When two rights of citizens like right to safety and security and right to privacy

apparently collide, one has to decide such lies in the facts of a particular case and by taking into account the effects of violation of the same.

Installation of CCTV is no more a luxury. It is a requirement to prevent crimes and other untoward incidents. At least there would be some clue about who was responsible. This also acts as a deterrence.

If the residents of the building or their association arrive at such a decision, it would be well within their rights to do so, even to have CCTV cameras in the corridors. After all, these are not cameras aiming at the windows or verandahs of someone's flat.

I have also perused the photographs presented by the petitioner. It is quite usual in building complexes to have such CCTV cameras installed over one's own main door, for instance. There is nothing wrong in installing a CCTV camera to cover the entire corridor either. This is done for the security of all and does not violate the right to privacy of any.

At this stage, learned counsel appearing on behalf of the petitioner submits that CCTV cameras have only been installed where the petitioner resides and in another floor.

Learned counsel appearing on behalf of the private respondents undertakes that if CCTV cameras have not been installed in any of the floors other, the same would be done in due course.

In view of the above discussions, I do not find any merit in this writ petition and the same is accordingly dismissed, albeit, without any cost.

However, the police shall keep a sharp vigil at the locale so that no breach of peace takes place.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(JAY SENGUPTA,J)

SB
Item No. 22