

D.L. 59.
14.10.2020
S.D.

**W.P.A. 6991 of 2020
With
CAN 1 of 2020**

**Dr. Subrata Mondal
Vs.
Additional Commissioner of Customs (Preventive) & Ors.
(Via Video Conference)**

Mr. Samir Roychowdhury
Mr. Saikat Chatterjee
Mr. Arindam Bose
... for the petitioner.

Mr. Sirsanya Bandyopadhyay, Jr.St.Counsel,
Mr. Subhendu Sengupta
...for the State.
Mr. Suvadip Bhattacharya
....for the respondent no. 5.

In re: CAN 1 of 2020

This is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

The writ petitioner essentially seeks that the respondent authorities act in terms of the order dated November 22, 2019 passed in W.P. No. 21064 (W) of 2019 (Arabinda Paul vs. The State of West Bengal & Ors.). The writ petitioner was a party respondent in such writ petition. The writ petitioner herein

preferred an appeal from such order. Such appeal was disposed of on March 4, 2020 without interfering with the order dated November 22, 2019.

By the order dated November 22, 2019, the Court directed on FIR to be lodged with the appropriate police station.

Learned Junior Standing Counsel appearing on behalf of the State informs the Court that, the authorities acted in terms of the order dated November 22, 2019 so far as the lodgment of FIR is concerned.

The second portion of such order is that the Director of Health Services was directed to investigate into the allegations expeditiously.

Learned Junior Standing Counsel is not in a position to apprise the Court as to whether such investigation was conducted or completed, today.

The respondent no. 5 is represented.

In the facts of the present case, since there subsists an order dated November 22, 2019 passed in a writ petition where the private parties in the present writ petition were parties and that the State authorities were also parties, the parties to the earlier writ petition are bound by such order.

One portion of such order was complied with as submitted by the learned Junior Standing Counsel. The other portion may or may not be remaining outstanding.

In such circumstances, it would be appropriate to direct the Director of Health Services who was directed earlier by the order dated November 22, 2019, to investigate into the allegations to act in terms with the order dated November 22, 2019, if not already done. The Director of Health Services will conclude such investigation, in terms of the order dated November 22, 2019, if not already done within a period of four weeks from the date of communication of this order.

W.P.A. 6991 of 2020 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)