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05.03.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

W.P.A. 1067 of 2019

Sudhakar Chakraborty
Vs.
State of West Bengal and Others.

Mr. Subrata Mukherjee
Mr. Bijay Bikram Das... for petitioner

Mr. Bikramaditya Ghosh
Mr. Momenur Rahama.... For State

The writ petition is disposed of by setting aside the order impugned and directing the respondent No. 4 being the District Magistrate and Chairman of the District Child Protection Society, Jalpaiguri to consider the petitioner's case afresh by giving a personal hearing to the petitioner.

The petitioner at the time of hearing will be entitled to rely upon further documents apart from those which are already on record in the instant writ petition.

The said District Magistrate and Chairman of the District Child Protection Society, Jalpaiguri shall dispose of the petitioner's representation treating the instant writ petition as such representation within a

period of ten weeks from the date of communication of a server copy of the instant order.

The said District Magistrate shall pass a reasoned order considering all materials on record and shall immediately upon passing such order communicate the same to the writ petitioner.

The impugned order is set aside primarily for violation of principles of natural justice since no personal hearing was granted and perverse as all the materials available were not considered.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon compliance with requisite formalities.

(Arindam Mukherjee, J.)