

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7589 of 2021

Shila Bibi alias Shila Khatun Bibi alias Shila Bewa
Vs.
The State of West Bengal & Ors.

Mr. Debashis Banerjee
Mr. Supreem Naskar
... For the petitioner

Mr. Anirudha Mohanta
... For the State

The petitioner says that her husband died on 17th April, 2015 in an incident of firing allegedly at the instance of the Border Security Force. The petitioner made a complaint before Jalangi Police Station on 19th April, 2015 when a case, being Jalangi Police Station Case No.378 of 2015 dated 19th April, 2015 was registered. The said case has been allotted general record number, being GR No.1555/15. The said criminal case is pending adjudication. The petitioner also came to know that the petitioner is entitled to compensation under the West Bengal Victim Compensation Scheme, 2017. The petitioner had applied for such compensation on 3rd August, 2018 before the District Magistrate, Murshidabad. The petitioner alleges to have been assured by some authorities as to the compensation but has not been till date given the same. In the instant writ petition, the petitioner, inter alia, prays for a direction upon the authorities to take immediate and

necessary steps for payment of the compensation amount under the West Bengal Victim Compensation Scheme, 2017.

After hearing the parties and considering the materials on record, it appears that no mandatory direction for payment of compensation under the West Bengal Victim Compensation Scheme, 2017 can be passed by this Court in exercise of its writ jurisdiction. The petitioner's entitlement for issuing the compensation under the West Bengal Victim Compensation Scheme, 2017 has to be considered by the State or the District Legal Services Authority in the light of several factors which may include the result of the criminal case registered on the petitioner's complaint. The petitioner's entitlement has to be gone into by the appropriate authorities.

The writ Court at this stage considering the matter in a justice oriented approach can only direct the authorities to decide upon the petitioner's entitlement to receive compensation under the West Bengal Victim Compensation Scheme, 2017 and on such decision being made, if it is found that the petitioner is entitled to any compensation, the same be disbursed as expeditiously as possible.

In the facts and circumstances, I direct the State Legal Services Authority, West Bengal and the District Magistrate, Murshidabad to take expeditious steps to

dispose of the petitioner's case as to her entitlement to receive compensation under the West Bengal Victim Compensation Scheme, 2017.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)