

16.03.2022.
Court No.13
Item No. 18
ap

**W.P.A. No. 1049 of 2022
(Through Video Conference)**

**Biswajit Mondal
Versus
The State of West Bengal & Ors.**

Mr. Lokenath Chatterjee,
Mr. B. K. Singh,
Mr. Dipak Kumar Chakraborti,
Mr. Sukanta Ghosh.

...For the petitioner.

Mr. S.N. Mookherjee, Id. Advocate General
Mr. T. M. Siddiqui,
Mr. Debasish Ghosh.

...For the State.

Mr. Billwadal Bhattacharyya,
Ms. Suparna Biswas,
Mr. Kaustava Ratan Chatterjee.

...For the respondent nos.3 & 4.

Mr. Soumalya Ganguli,
Ms. Sudarshana Dutta.

...For the respondent no.13.

The writ petitioner claims to be a victim of post-poll violence and belongs to the Scheduled Caste Category. The provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules of 1995 are invoked seeking compensation.

The petitioner approached the Chairman, Vice Chairman and Secretary of the National Commission for Scheduled Caste for appropriate compensation and other protection. The petitioner has not received any reply to the same.

Rule 12 specifies the measures to be taken by the District Administration in the event of any

complaint of any atrocities within the meaning of the said Act of 1989, while sub-Rules 1, 2 and 3 cast responsibility on the Superintendent of Police to ensure that the FIR is registered and investigation is conducted.

The District Magistrate or Sub-Divisional Office or any other Executive Magistrate are also required to make necessary arrangement to provide relief in cash and/or kind within seven days to the victims of such atrocity and also to their family members in terms of the scale provided to Annexure – I and Annexure – II of the Schedule to the Rules.

It is submitted by the Counsel for the State and the Commission that the charge-sheet has been filed and FIR has been registered based on the petitioner's complaint. The petitioner is, therefore, prima facie entitled to benefit of Rule 12(4) and other Rules.

In that view of the matter, the District Magistrate, South 24 Parganas, shall immediately take steps in terms of Rule 12(4) of the said 1995 Rules to provide relief as specified the reunder to the petitioner and his family members.

The Secretary of the Commission at its office at Kolkata and the Superintendent of Police, South 24 Parganas shall immediately, upon receipt of a copy of this order, transmit all relevant records to the Office of the District Magistrate, South 24 Parganas.

It is expected that the compensation shall be made available to the petitioner within a period of two weeks from the date of communication of a copy of this order.

Needless to mention that any further compensation, interim or final, that the petitioner is entitled to, shall be forthwith addressed by the District Magistrate, South 24 Parganas with urgency and expedition.

The other reliefs against the State are reserved to the petitioner to be agitated in appropriate independent proceedings.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)