

14.06.22
Sl-02
Ct.32
(S.R.)

FMA No.1361 of 2017
Arijit Sarkar
v.
The State of West Bengal & Ors.

Mr. Tanoy Chakraborty
Mr. Rajiv Lochan Chakraborty
Mr. Debapratim Guha
Mr. P. Kundu

... for the appellant.

Mr. Jahar Lal De
Ms. Debarati Sen (Bose)

... for the State.

The present appeal has been preferred challenging an order dated 16th December, 2016 passed in W.P. No.8051 (W) of 2012.

Records reveal that the writ petition was preferred, *inter alia*, praying for issuance of necessary direction upon the respondents not to arrest the writ petitioner/appellant on the basis of the memo dated 30th June, 2010 issued by the then Superintendent of Police, North 24-Parganas being the respondent no.4 and to cause an investigation against the said respondent and to assess the damage and compensation.

Mr. Chakraborty, learned advocate appearing for the appellant submits that though the memo dated 30th June, 2010 and the consequential steps taken pursuant to the said memo were set aside, the learned Single Judge did not pass any order towards compensation.

Ms. Sen (Bose), learned advocate appearing for the State submits that there is no infirmity in the order

impugned and as such, no interference is called for.

Heard the learned advocates and considered the materials on record.

The Writ Court cannot proceed to decide the issue of damages and compensation which involve disputed questions of fact. The order impugned is a reasoned one and as such, no interference is called for in the present appeal.

Nothing in this order shall, however, prevent the appellant from initiating proceedings before any other forum seeking relief, in accordance with law.

With the above observations and directions, the appeal is disposed of.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)