

06.07.2022
DL.1
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14696 of 2021

Sanati Hansda & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sankar Prasad Dalapati,
Mr. Satyjit Mahata
.....for the petitioners.

Mr. Supriyo Chattopadhyay,
Ms. Tapati Samanta
.....for the State.

Ms. Sulekha Mitra,
Mr. Manas Kumar Das
.....for the respondent nos.7 to13.

Affidavit filed on behalf of the respondent no.4 containing enquiry report prepared by the learned District Magistrate, Purulia be taken on record. Copy of the report has already been served on the petitioners and the other respondents.

After considering the materials on record, by an order dated 4th February, 2022, I directed the learned District Magistrate, Purulia, to make an enquiry with regard to four points formulated in the said order. The learned District Magistrate has personally held an enquiry, the report of which is annexed to the affidavit filed by State in Court today. In course of enquiry, the petitioners and the private respondents were heard.

The petitioners are dissatisfied on the factual findings made by the learned District Magistrate. The petitioners intend to file an exception thereto. Even if the petitioners are permitted to file an exception it will be assertion and denial of certain facts on affidavits, the correctness of which cannot be gone into while sitting in writ jurisdiction. That apart and in any event, when the writ petition was filed the same was based on certain statements forming the basis of the relief claimed therein. With the filing of the report, new facts have emerged which cannot be assailed in this writ petition as framed. The scope of the writ petition as it stood at the time the writ petition was filed will be expanded many folds even if the main prayer remains unchanged. Even if the petitioners are allowed to file an exception or a supplementary affidavit, the writ petition as it stands cannot take within its ambit the changed scenario that has arisen after the filing of the enquiry report by the learned District Magistrate.

The writ petition is, therefor, disposed of without any further order.

The petitioners shall be at liberty to take such steps in accordance with law as may be advised to assail the report by taking all grounds available

including the relevant ones contained in the writ petition.

(Arindam Mukherjee, J.)