

S/L 217 (ML)  
31.08.2022  
Court. No. 19  
GB

WPA 15538 of 2022

Gaurab Kumar  
VS  
The State of West Bengal & Ors.

*Mr. Shibaji Kumar Das,  
Mr. Debarshi Brahma,  
Mr. Sagnik Mukherjee.*

*...for the Petitioner.*

*Mr. Gourav Das,  
Ms. Debapriya Chatterjee.*

*...for the State.*

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.5 and 6.

The petitioner alleges that the respondent nos.5 and 6, who are the tenants, have been indulging in creation of false Aadhaar Cards. On the complaint of the petitioner, Chatterjeehat Police Station Case No.236 of 2021 dated December 24, 2021 under Sections 420/406 of the Indian Penal Code had been registered. The Investigating Officer visited the place of occurrence, examined the witnesses and recorded their statements under Section 161 of the Code of Criminal Procedure. The petitioner was served a notice under Section 91 of the Code of Criminal Procedure for collection of documents in respect of the complaint case. The petitioner produced the documents. Notice under Section 41A of the Code of Criminal Procedure was served upon the FIR named accused persons. Letters were sent by the Investigating Officer to the District Magistrate, Howrah, the

Commissioner, Howrah Municipal Corporation, the Sub-divisional Officer, Howrah, the Vice President, NSDL Technology, Trust and Reach, The Deputy Director General, UIDAI and RIADA, with regard to the running of a Aadhaar Centre. Reply was received from NSDL e-Gov and UIDAI. The Joint Director of Income Tax, Income Tax Directorate (System), Jhandewalan Extension, New Delhi was also approached for the purpose of investigation. On July 26, 2022, the FIR named accused persons surrendered before the learned Chief Judicial Magistrate, Howrah and they were released on bail. The police report further indicates that there is a dispute between landlord and tenants.

During investigation, it was learned that an Aadhaar Centre was running in the premises after obtaining approval from the concerned agencies. In the course of investigation, the authorities did not find that the work relating to preparation of Aadhaar Card was going on. However, these are findings of the investigating agency. The investigation is not complete.

Under such circumstances, nothing further remains to be decided in the writ petition. The investigation shall be reached to its logical conclusion, strictly in accordance with law.

As no affidavits have been called for, the allegations against the respondents are deemed to be denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**