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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16491 of 2021

Rita Mahato
Vs.
The State of West Bengal & Ors.

Mr. Himadri Kumar Mahata,
Mr. Ziaul Haque
.... For the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly
... For the State.

After considering the materials on record, by an order dated 9th 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. In course of enquiry, the petitioner and the private respondent were heard. Thereafter a report was prepared by the learned District Magistrate, Purulia, which was filed as part of an affidavit by the State respondents. A copy of the affidavit with the report contained therein was served on the petitioner. The petitioner is dissatisfied on the factual findings made by the learned District Magistrate. The petitioner intends to file an exception thereto. Even if the petitioner is 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 petitioner is 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 petitioner 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.)