

13.12.2022
Item No.24
Court No.6.
AB

**M.A.T. 1903 of 2022
With
IA CAN 1 of 2022**

**Sk. Rafikul
Vs
The State of West Bengal & Others**

Mr. Aniruddha Chatterjee,
Mr. Kushal Chatterjee,
Mr. Debrup Choudhuryfor the Appellant.

Mr. Srijan Nayek,
Ms. Rituparna Moitrafor the State.

Mr. Sandip Ghose,
Mr. Sudarsan Roy,
Mr. Debayan Ghoshfor the Municipality.

Mr. Soumyajit Bhatta,
Mr. Partha Sarkar,
Mr. Prasenjit De
.....for the Respondent Nos.6 and 7.

By consent of the parties, the appeal and the application are taken up for hearing together.

This appeal is directed against two orders, dated September 29, 2022 and November 15, 2022, both interim in nature, passed on the appellant's writ petition being WPA No.20449 of 2021, which is pending before the learned Single Judge.

In the writ petition, the appellant has complained of illegal/unauthorized construction made by the respondent nos.6 and 7. The respondent nos.6 and 7 submitted before the learned Single Judge that the writ petitioner is part of an extortion racket. By the

order dated September 29, 2022, the learned Judge directed the Commissioner, Bidhannagar Police Commissionerate to conduct an enquiry into the antecedents of the writ petitioner and other things and to file a report. Such report was filed in Court on the adjourned date i.e., November 15, 2022. The matter has been kept for hearing on December 15, 2022, by the learned Single Judge.

Being aggrieved by the two orders dated September 29, 2022 and November 15, 2022, the writ petitioner has filed the present appeal.

We are not inclined to interfere since the writ petition is still pending before the learned Single Judge. The learned Judge has not yet come to any final decision.

Mr. Chatterjee, learned Advocate appearing for the appellant says that a copy of the report that was taken on record by the learned Single Judge on November 15, 2022, should be made available to the writ petitioner. We are of the view that the writ petitioner should be entitled to a copy of such report. This would be in consonance with the principles of natural justice. We are sure, if a prayer to that effect is made before the learned Single Judge, appropriate direction will be issued.

We have not gone into the merits at all. We request the learned Judge to carry the writ petition to its logical conclusion on merits.

M.A.T. No.1903 of 2022 stands disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)