

16.03.2023
Court No.13
Item No.361
AP

WPA 4714 of 2021

Saukat Ali
Vs.
The State of West Bengal and Ors.

Mr. Uday Sankar Chatterjee
Mr. Suman Sankar Chatterjee
Mr. Santanu Maji

... For the petitioner.

Mr. Amitesh Banerjee
Mr. Jaydip Banerjee

... For the State.

Affidavit-in-opposition filed on behalf of the
respondent No.5 in Court today is taken on record.

The petitioner claims to be an ex-army personnel.
He has fought in the Kargil War.

In respect of acts of corruption at the Khanpur
under Nalhati Police Station and under the Block
Development Officer, Nalhati-I Development Block,
Nalhati, Birbhum, a mass petition of the villagers has
been sent to the Block Development Officer, Nalhati-I
Development Block, Nalhati, Birbhum.

The allegations of irregularity are against the
Pradhan of the Khanpur Gram Panchayat and his
friends and family members. It is alleged by the villagers
that the Pradhan and the friends and family members
have misappropriated substantial sums of money that
come to Gram Panchayat under various schemes of the
Government.

As a counter blast to the same, certain persons
including the daughter of the Pradhan and the Pradhan

himself have lodged several FIRs against the petitioner. In respect of one of such FIR being Nalhati Police Station Case No.141/2020 dated 10th August, 2020 under Sections 143, 341, 325, 326, 307, 186, 332, 333, 353, 489(C) of the IPC and Sections 25 and 27 of the Arms Act, charge sheet has been filed excluding the Section 489(C) of the IPC.

It appears from the pleadings filed, particularly, the affidavit-in-opposition that on the 9th August, 2020 the Nalhati police upon, receipt of information of disturbances, had visited the village and the house of the petitioner but were overwhelmed by the villagers. They returned back. The next day they raided the premises along with an armed bigger team. The raiding party was assaulted with stones, bows, arrows and weapons. FIR came to be registered thereafter.

Mr. Chatterjee, learned counsel for the petitioner submits that the reason for the raid was huge quantity of fake currency being allegedly located in the petitioner's residence. The allegations are false and the raid was motivated politically since the section 489(C) of the IPC has not been included in the charge sheet. Several other FIRs against the petitioner have resulted in charge sheets.

No interference is called for from the writ Court in respect of the chargesheets. Since, the petitioner has alternative remedy in law and the same may be availed.

However, in respect of the mass petition dated 29th June, 2020 at page 53 of the writ petition, this Court is of the view that the District Magistrate, Birbhum should cause an enquiry into the same and submit an appropriate report to the Registrar General of this Court with a copy to the writ petitioner within 2 months from the date of receipt of a copy of this order. It is expected that all consequential steps pursuant to the enquiry shall be immediately taken by the District Magistrate.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)