

13.10.23

18-26 Ct. No.14
29-38 Sws.M

W.P.A. No. 5267 of 2023
CAN 1 of 2023
Arabindu Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5276 of 2023
Gobinda Mahato – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5288 of 2023
Chandan Sardar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5294 of 2023
Khokan Halder – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5302 of 2023
Sujit Mondal – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5304 of 2023
Tapas Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5313 of 2023
Tapan Gayen – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5319 of 2023
Bapi Mondal – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 5325 of 2023
Khagendranath Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6586 of 2023
Sumana Gayen Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6594 of 2023
CAN 1 of 2023
Chinmay Das – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6599 of 2023
Madhusudhan Mondal – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6606 of 2023
Susanta Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6614 of 2023
Sahadev Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6625 of 2023
Basudeb Naskar – Vs.- The State of West Bengal & Ors.
With
W.P.A. No. 6632 of 2023
Parimal Naskar – Vs.- The State of West Bengal & Ors.
With

W.P.A. No. 6637 of 2023
 Prasenjit Mondal – Vs.- The State of West Bengal & Ors.
 With
 W.P.A. No. 6641 of 2023
 Sunil Naiya – Vs.- The State of West Bengal & Ors.
 With
 W.P.A. No. 6643 of 2023
 Prabir Sardar – Vs.- The State of West Bengal & Ors.

Mr. Debasish Kundu
 Mr. Shyamal Chakraborty
 Mr. B. K. Singh
 Mr. Loknath Chatterjee
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...For the petitioners.

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 ... For the NCSC

Mr. Pantu Deb Roy,
 Mr. Subrata Guha Biswas.
 ...For the State in WPA 5294 of 2023.

Mr. Amal Kumar Sen
 Mr. Lal Mohan Basu
for the State in WPA 5325 of 2023
 Mr. Asish Kumar Guha,
 Mr. Benazir Ahmed
 ...For the State in WPA 5302 of 2023.

Mr. Tarak Karan
 ...For the State in WPA 6594 of 2023

Mr. Santanu Kumar Mitra
 Ms. Rama Halder
 ...For the State in WPA 5288 of 2023

Mr. Ansar Mandal
 Mr. Ashish Dutta
 ...For the State in WPA 5304 of 2023

Mr. Santanu Kumar Mitra
 ...For the State in WPA 5319 of 2023
 & WPA 6641 of 2023

Mr. Rajarshi Basu
 ...For the State in WPA 6614 of 2023

Mr. Debapriya Chatterjee
 ...For the State in WPA 6637 of 2023

These are applications made by purported victims of post poll violence claiming relief, *inter alia*, for police protection to return home, for compensation for the atrocities suffered. The petitioners approached the Chairman, Vice Chairman and Secretary of the National Commission of Scheduled Caste for appropriate compensation and other protection. The petitioners have not yet been received any reply.

Rule 12 specified measures to be taken by the District Administration in the event any complaint of atrocity within the meaning of the said Act of 1989. Sub rules 1, 2 and 3 castes responsibility to the Superintendent of Police to ensure that the FIR is registered and the investigation is conducted. The District Magistrate or Special Additional Officer or any other Executive Magistrates are also required to make necessary arrangements to provide relief in cash and or in kind within 7 days to the effect of such prosecution and also to their family members in terms of Scales provided to annexures I and II of the schedules to the rules.

Learned counsel appearing on behalf of the National Scheduled Caste Commission submits that in respect of WPA 6586 of 2023, no complaint has been received by the Commission.

Learned counsels appearing on behalf of the State relies on the report and submits that in most of the cases FIRs have been lodged and in most even charge-sheets have been submitted. The petitioners are therefore, *prima facie*, entitled to the benefit of Rule 12(4) and other rules.

In view of the above, the District Magistrate, South 24 Parganas shall immediately take steps in terms of Rule 12(4) of the said 1995 Rules to provide relief as specified to the petitioners and their family members. The Secretary of the Commission at its office at Kolkata and the Superintendent of Police, Baruipur Police District shall immediately upon receipt of a copy of the order transmit all relevant records to the office of the District Magistrate, South 24 Parganas. It is expected that the compensation shall be made available to the petitioner within a period of four weeks from the date of communication of a copy of this order.

If the petitioners have not yet returned home and wants to return home, they shall intimate their intended time and date to the Officer In-charge of the local Police Station with a 48 hours' notice so that adequate police escort can be provided for their return. Their return from the respective Police Station to their homes shall be videographed.

Even otherwise, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

In regard to WPA 6586 of 2023, the writ petition shall be considered as a representation before the Commission.

Needless to mention that any further compensation, interim or final, that the petitioners are entitled to shall be addressed by the District Magistrate, South 24 Parganas expeditiously and in accordance with law. The other reliefs against the State are reserved to the petitioners to be adjudicated in appropriate independent proceedings.

With the aforesaid observations the instant writ petitions are disposed of.

Parties shall act on the server copy of the order downloaded from the official website of the Calcutta High Court.

(Jay Sengupta, J)