11.05.2023
Item No.9
gd/ssd

MAT/699/2023
IA NO: CAN/1/2023

THE SUPERINTENDENT OF POLICE,
BARUIPUR POLICE, DISTRICT
COMMERCIAL COMPLEX
VS
SRI PANKAJ KUMAR DATTA AND ORS.

Mr. Debasish Ghosh,
Ms. Amrita Panja Moulick
..for the Appellant.

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Ms. Moumita Pandit,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Sreeparna Ghosh,
Ms. Pritha Sinha
..for the Respondent No.1.

1. This intra court appeal by the State is against the interim order dated 10.04.2023 passed by the learned Single Bench in WPA 4521 of 2023. By the said order the appellant was directed to give police protection by allotting one police constable to the writ petitioner who is a retired Inspector General of Police.

2. Mr. Debasish Ghosh, learned advocate appearing for the State would submit that the relief granted by the learned writ court is in the nature of final relief granted in the main writ petition much before affidavit-in-opposition could have been filed by the State.

3. As a normal proposition, the said submission merit acceptance but there may be cases where the interim protection may be required to be granted in certain cases where there is a likelihood of the main matter become infructuous if interim protection is not granted which will be in the aid of the final relief.

4. The learned Single Bench while exercising discretion has passed the interim order and as an appellate court, we are not inclined to interfere with the order.

5. It is always open to the appellant to argue that the withdrawal of the security provided to the writ petitioner was justified and was not for any other collateral purpose. This issue will obviously be adjudicated in the pending writ petition.

6. Hence, we do not find any ground to interfere with the impugned order.

7. The appellant is directed to restore the security back to the writ petitioner not later than 15.05.2023.

8. Since the learned writ court had only called for reports, we leave it open to the appellant to file an appropriate report before the learned writ court which will be considered on merits and in accordance with law.

9. With the above observation, the appeal is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)