

Item No.02

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

08.12.2023
Ct-24
AGM

WPA 23806 of 2023
Amit Kumar Bera & Anr.
v.
The State of West Bengal & Ors.

Ms. Renesa Dey

... for the petitioners.

Mr. Biswaranjan Bhakat
Mr. P. Das

... for the respondent no. 6.

Mr. Lalit Mohan Mahata,
Mr. Ziaul Haque

... for the State.

The writ petition was filed by two petitioners- Amit Kumar Bera and Banamali Sahu. The prayer in the writ petition is for a direction upon the official respondents to investigate the complaint dated 19th September, 2023 filed by Banamali Sahu. The said representation is annexed at page 14 of the writ petition.

Learned advocate for the private respondent no. 6 submits that the said Banamali Sahu is present in Court. It has been submitted by the learned advocate for the respondent no. 6 that the representation dated 19th September, 2023 signed by Banamali Sahu is reported to be obtained by force.

The Court on the earlier occasion directed the Officer-in-Charge, Panskura Police Station to enquire as

to whether Banamali Sahu signed the vakalatnama or not. The same was enquired and a report has been filed by the Inspector-in-Charge mentioning that Banamali Sahu did not put his signature in the vakalatnama.

It was learnt from the statement of the clerk of the learned advocate Mr. Manab Bag that the petitioner no. 1, Amit Kunar Bera put his signature in the vakalatnama and also put the signature of the petitioner no. 2., Banamali Sahu in the vakalatnama.

It is evident from the report of the police that the signature of the petitioner no. 2 in the vakalatnama is not the signature of the petitioner no. 2. The petitioner no. 1 has put in the signature of the petitioner no. 2 in the vakalatnama.

In view of such fraudulent act of the petitioner no. 1, the police is directed to take necessary steps against the petitioner no. 1 for forging the signature of the petitioner no. 2 in the vakalatnama.

As regards the representation allegedly signed by Banamali Sahu on 19th September, 2023, the said representation is pending consideration before the Block Development Officer, Panskura.

The Block Development Officer is directed to enquire the matter and take necessary steps in response to the same. The Block Development Officer shall ascertain by as to whether any complaint was actually lodged by Banamali Sahu.

If Banamali Sahu admits that his signature was obtained by force, then there is no requirement of proceeding further with the complaint.

If Banamali Sahu admits putting his signature voluntarily, then the Block Development Officer shall take necessary steps to consider and dispose of the complaint in accordance with law.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)