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07.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.26627 of 2023

Debasis Bandyopadhyay
Vs.
State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya,
Mr. Kamalesh Bhattacharyya,
Mr. Iswar Chandra Maiti,
Mr. Mrityunjoy Chatterjee
...for the petitioner

Mr. Tapas Kumar Adhikari
...for the State

Mr. Arnab Chatterjee,
Mr. Tapan Mondal,
Mr. Sujoy Sarkar,
Mr. Rahul Chachan
...for the respondent nos. 6 to 11
and 13 to 15

Mr. P.K. Datta
...for the respondent no. 15.

1. Learned senior counsel appearing for the petitioner, at the outset, submits that the names of the District Judge, Murshidabad and the Chief Judicial Magistrate at Berhampore, Murshidabad be deleted as respondents, since they are impleaded erroneously.

2. At this juncture, learned counsel appearing for the respondent nos. 6 to 11 and 13 to 15 submits that something very unfortunate has happened in the present case inasmuch as copies of the writ petition were sent to the respondents, including the

District Judge and the Chief Judicial Magistrate, by mentioning this court by name as the sender and giving the phone number of the petitioner, apparently implying that the same belongs to the said sender.

3. Irrespective of the merits of the matter, the said conduct of the petitioner, who is none else than an Advocate practising in the Murshidabad Court, is deplorable to say the least. Such conduct should be deprecated and it is apparent that since the petitioner is an Advocate, the same could not have been a bona fide mistake but might have been an attempt to misrepresent the name of the sender.

4. However, learned senior counsel for the petitioner disputes that the same was deliberate on the part of the petitioner.

5. Even if not deliberate, the said action on the part of an Advocate cannot be sanctioned by this Court.

6. Hence, W.P.A. No.26627 of 2023 is dismissed due to the above irregularities.

7. However, it is made clear that the merits of the matter have not been gone into by this Court and it will be open to the petitioner to prefer a fresh writ petition on the self-same cause of action, being careful this time regarding the regularities as pointed out above and impleading the proper parties.

8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)