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10.02.2025
BP/AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 18315 of 2024

**Subhasis Mukherjee & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Kallol Mondal. Sr. Adv.
Mr. Souvik Das.
Mr. Anamitra Banerjee.
Mr. Akbar Laskar.
...For the Petitioners.**

**Mr. Sirsanya Bandopadhyay
Mr. Ritesh Kumar Ganguly.
... For the State.**

**Mr. Krishan Ray.
Ms. Isita Kundu.
... for the proforma respondent.**

1. The petitioner no. 1 claims to be the Assistant Director, Additional District Magistrate and District Land & Land Reforms Officer, Purba Bardhaman. The petitioner nos. 2 and 3 are working as the Revenue Officer in the district of Uttar Dinajpur and Malda respectively.

2. While performing certain official duties, the petitioners have been sought to be prosecuted under the provision of IPC. Criminal case has been registered against them which is pending in the Court of the learned Metropolitan Magistrate at Calcutta and also before the Pandua P.S. and Malda P.S.

3. The petitioners seek immunity from criminal prosecution while discharging their official duties.

4. A representation was made before the respondent authorities including the Judicial

Department and the Land Authority as well as the Police. The same has not been responded to.

5. Learned advocate representing the State respondents submits that Section 58 of the West Bengal Land Reforms Act, 1955 provides for protection to the officers while performing their official duties. It has been contended that there cannot be any order restraining lodging of complaints against the officers of the State. Whether the said officers against whom complaints are filed will be prosecuted or not will depend upon the enquiry to be conducted by the police. There is provision for obtaining sanction against prosecution of public servants under Section 197 of the Code of Criminal Procedure.

6. Upon hearing the submission made on behalf of all the parties, it appears that the petitioners are public servants who are facing certain problems while performing their official duties. The petitioners have brought the same to the knowledge of the superior authorities. The authorities ought to take into consideration the representation that has been filed.

7. In view of the above, the instant writ petition is disposed of by directing the Land Reforms Commissioner and the Additional Chief Secretary, Land and Land Reforms and Refugee Relief and Rehabilitation Department to consider the representation filed by the petitioners in accordance with the prevailing rules and thereafter take necessary consequential steps, if required.

8. The aforesaid respondent is directed to afford an opportunity of hearing to the petitioners to ascertain the difficulties that they are facing so that relief may be provided to them.

9. The aforesaid respondent shall take steps in the matter at the earliest but positively within a period

of eight weeks from the date of communication of this order.

10. A reasoned order shall be passed and communicated to the petitioners immediately thereafter.

11. Learned advocate for the petitioners is directed to forward a copy of the representation of the petitioners to the aforesaid respondent at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)