

Ct.No.1 D/L 04.12.2025
Saikat 01
Mukherjee

MAT/1407/2023
with
IA NO: CAN/1/2023

MAIBUB MALLICK @ MEHEBUB MALLIK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Jamiruddin Khan, Adv.
...For the Appellant/Petitioner

Mr. Swapan Kr. Dutta, Sr. Adv./G.P.
Ms. Sonal Sinha, A.G.P.
Mr. Rjarshi Basu, Adv.
Mr. Anirban Dutta, Adv.
Mr. Amritlal Chatterjee, Adv.
...For the Respondent-State

Per, Sujoy Paul, ACJ.

1. Parties are represented through their respective learned counsel.
2. This intra-court appeal is directed against the order dated 27th June, 2023, passed in WPA No.10269 of 2023. The singular contention of learned counsel for appellant is that he prayed for certain reliefs including issuance of writ of mandamus, commanding respondent No.6 to take over the further investigation. In addition, it is prayed that the case diary and *alamats* in connection with relevant case be handed over to respondent No.6.
3. However, learned Single Judge directed to produce a report by police authority. In turn, the police authority submitted a report dated 18th June, 2023. The said report was taken on record. Copy whereof is supplied to the petitioner and thereafter the matter was closed.

4. Thus, it is submitted since learned Single Judge was obliged to decide the matter on merits and to assign reasons as to why relief prayed for can be granted/not granted, in absence of that exercise, impugned order may be set aside. The learned Single Judge may be directed to decide as to whether relief claimed by petitioner is due to him or not.
5. The other side supported the impugned order.
6. We have heard the parties and in our opinion, the contention of learned counsel for appellant has substance. If relief is claimed in a writ petition, the court is obliged to decide by assigning adequate reasons as to why that relief should be granted or not. In absence thereof, the order became vulnerable and accordingly, set aside.
7. WPA No.10269 of 2023 is restored to its original number. The matter be listed before the regular determination. Learned Single Bench is requested to decide the matter afresh in accordance with law.
8. Resultantly, the appeal as well as the pending application is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)