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12.09.2023
Ct. No. 15
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W.P.A. 21862 of 2018

**Sukdeb Sarkar
Vs.
State of West Bengal & Ors.**

Mr. Achinta Banerjee
Mr. Biswarup Bhattacharya
Mr. Anit Kr. Das
Mr. Rana Mukherjee
Mr. Asish Dutta
Ms. Jyotsna Roychowdhury
Mr. Uttam Kumar Kamila
Mr. Anubrata Santra
Mr. Kallol Basu
Mr. S. Bhatta
Mr. A.K. Biswas
Mr. S. Seth
Mr. Dilip Kumar Maiti

...for the petitioner

Mr. Jayanta Samanta
Mr. Satyam Mukherjee

...for the State

Mr. Sounak Bhattacharya
Mr. Chandra Nath Sarfas

...for the respondent no. 7

The matter is taken up for consideration pursuant to the order dated 5th September, 2023 passed by this Court under special circumstances where allegation has been made by the petitioner that on 4th September, 2023 he was mercilessly beaten-up by the respondent no. 7.

During course of hearing a document dated 11th August, 2017 which is at page 21 of the writ petition was brought to the notice of this Court wherefrom it appeared that on verbal statement of the respondent no. 7 the said respondent no. 7 was permitted to make construction at his premises and it was also disclosed vide letter dated

11th August, 2017 that necessary records were destroyed which were required to be retained in the office of Dakshin Barasat Gram Panchayat, Joynagar, District- South 24 Parganas.

Taking cognizance of the issue which was canvassed before this Court on 5th September, 2023 this Court by passing order dated 5th September, 2023 directed Pradhan, Dakshin Barasat Gram Panchayat, Joynagar, District- South 24 Parganas being respondent no. 5 to remain personally present today, 12th September, 2023 at 10.30 a.m. with a report.

Matter is taken up today at the first sitting of the Court in presence of the parties but this Court finds that there is no representation on behalf of said Pradhan and no report is filed pursuant to the order passed by this Court on previous occasion.

In view of non compliance of the order of this Court dated 5th September, 2023 jurisdictional Superintendent of Police is directed to ensure personal presence of the Pradhan, Dakshin Barasat Gram Panchayat, Joynagar, District- South 24 Parganas on Tuesday next, 19th September, 2023. The said Pradhan is also directed to submit a report in terms of the order dated 5th September, 2023 on the adjourned date.

It needs to be recorded that pursuant to the order dated 5th September, 2023 administrative notice was served upon the said Pradhan on 9th September, 2023

intimating the order passed by this Court as it appears from the report of the Registrar General dated 11th September, 2023 which is placed on record and the same is perused.

Inspector-in-Charge, Joynagar Police Station being the added respondent no. 9 is represented by learned advocate who has filed one report dated 12th September, 2023 prepared by the said Inspector-in-Charge which is taken on record. On perusal of said report it appears that in terms of the previous order of this Court investigation of the cases which have been initiated by the concerned police authorities, were handed over to SS (HQ) holding the charge of DIGP, CID, West Bengal on 7th September, 2023. The concerned authority of CID, West Bengal is directed to submit further report after a period of fortnight.

List the matter under the same heading on 19th September, 2023 at the top for consideration of the report to be submitted by the Pradhan being respondent no. 5 upon remaining personally present before this Court. However, it is made clear that if the Pradhan, Dakshin Barasat Gram Panchayat fails to remain present on the next date, warrant of arrest shall be issued against him.

For consideration of the report of the concerned authority of CID, West Bengal, matter to be considered subsequently on 10th October, 2023.

Supplementary affidavit filed on behalf of the petitioner is also taken on record.

On the prayer made on behalf of the parties, copies of the report of the Inspector-in-Charge, Joynagar Police Station dated 12th September, 2023 shall be supplied to the learned advocates for the petitioner and respondent no. 7.

Copy of supplementary affidavit shall also be served upon the learned advocate representing respondent no. 7.

The learned Registrar General is directed to communicate this order by issuing administrative notice to the Pradhan, Dakshin Barasat Gram Panchayat, Superintendent of Police, South 24 Parganas and DIGP, CID West Bengal.

(Saugata Bhattacharyya, J.)