

**Court No. 8
01.08.2025**

**(Item No. 48
PA (Chamber))**

WPA (P) No. 599 of 2022

**Lakshman Diyashi and Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ankit Sureka,
Mr. Biplob Das
Mr. Partha Sarathi Pal

... for the Respondent No. 4

Mr. Jaharlal De
Mr. Suddhadev Adak

..... for the State

- 1.** None appears on behalf of the petitioner.
- 2.** Heard Mr. Ankit Sureka, Learned Counsel appearing on behalf of the Respondent No. 4 as well as Mr. Jaharlal De, Learned Counsel appearing on behalf of the State Respondents.
- 3.** The instant public interest litigation has been filed by the petitioner praying inter alia for the following relief(s):-

“a) A writ of and/or in the nature of mandamus should not be issued commanding the respondents to act and proceed in accordance with law;

b) Writ of mandamus commanding the Respondent No. 2 and 3 to initiate a criminal proceedings on the basis of the complaint dated 28.10.2022, 01.11.2022 and 05.11.2022 being Annexure “P-1”, “P-3” and “P-4” to this writ petition;

- c) *A writ in the nature of mandamus commanding the respondent No. 2 to issue appropriate direction upon the Officer-in-Charge, Nandakumar Police Station to take appropriate steps in terms of Annexure “p-1”, “P-3” and “P-4” and also to be investigated and clarified by the Police Report;*
- d) *Direct the Respondent Police Authority i.e. the Respondent No. 2 and 3 to hand over and/or delegate the investigation of the case of misappropriation of money of the Samity to any Special Investigating Agency for fair and proper investigation in supervision of this Hon’ble Court;*
- e) *Issue writ of certiorari to certify and transmit the records of this case to this Hon’ble Court for proper adjudication;*
- f) *Rule NISI in terms of prayer (a) to (d)*
- g) *Interim order in terms of prayer b), c) and d) as above;*
- h) *If no cause or insufficient causes are shown Rule be made absolute;*
- i) *And to pass such other or further order or orders as to Your Lordships may deem fit and proper.”*

4. In a nut shell the case of the petitioner are that they are the members of the Kumarchak Samabay Krishi Unnayan Samity Limited (hereinafter referred to as The Samity). They came to know that the money from their respective saving accounts with the Samity as well as Cash certificates were withdrawn from their accounts though they did not withdraw the same. They made an attempt to collect some documents with regard to such misappropriation of money and brought to the knowledge before the respondent authorities by way of mass petition on several occasions on 28.10.2022, 01.11.2022 and 3.11.2022 respectively praying inter alia, for proper investigation of such misappropriation of money as well as to recover the same and punish the actual culprits, but till date no steps have been taken by the respondent authorities and is simply sitting right over the issue without any rhyme or reason.

5. Considering the aforesaid, the respondent No. 5 is directed to consider the mass petitions made on various dates as mentioned above and pass a reasoned order by affording opportunities to the interested parties and shall take cognizance of the same by taking effective steps in accordance with law preferably within the period of 6 weeks from date. It is made clear that in the event, if any

misappropriation/defalcation of money is found to have been committed then the respondent no. 5 shall initiate all consequential steps for the recovery of the money and also punishing the culprits forthwith in accordance with law.

6. The PIL is disposed of without expressing any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)