

28.08.2025
Sl. No. 18
Ct No. 4
SG

**MAT 587 of 2020
with
CAN 1 of 2020
CAN 2 of 2020**

**Rubel Sk.
Vs
The State of West Bengal & Ors.**

Mr. Soumyajit Das Mahapatra,
Mr. Madhurai Sinha,
Ms. Upasana Banerjee.

... for the appellant

Mr. Tarak Karan,

...for the State

1. The brief factual background leading to the filing of the writ petition was the custodial death of the writ petitioner's father. During pendency of the writ proceedings, it appears the National Human Rights Commission (NHRC) has examined the issue with reference to the medical records, etc. In view of the report being submitted by the NHRC, the Hon'ble Single Judge dealing with the writ petition, wherein the substantial prayer made by the writ petitioner was for an enquiry into the custodial death, has disposed of the writ petition by recording that during pendency of the writ petition the report has been submitted by the NHRC and therefore in view of such development during pendency of the writ petition no further orders are required to be passed.

2. While doing so, the Hon'ble Single Judge has reserved the liberty of the writ petitioner to assail the report of the NHRC in accordance with law, if permissible.

3. It is under such circumstances that we have enquired from the learned Advocate representing the appellant as to what is the infirmity in the order passed by the Hon'ble Single Judge. The learned Advocate for the appellant submits that order of the Hon'ble Single Judge would require filing of a separate proceeding assailing the report of the NHRC which would lead to multiplicity of proceedings and, therefore, the matter should be taken up in the present appeal.

4. We are unable to accede to such request. The report of the NHRC was made available to the writ petitioner during the course of the writ proceeding and the same, if required to be challenged in accordance with law, is required to be done in a duly constituted proceeding in accordance with law by raising all issues.

5. The issue arising for consideration before us in the present proceedings is whether there is any infirmity in the order of the Hon'ble Single Judge. Having regard to the nature of the order passed by the writ court, we find no infirmity.

6. Reserving the petitioner's liberty to assail the NHRC report in appropriate proceedings in accordance with law,

we dispose of the appeal. Connected applications are also disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)