IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

Before:

The Hon'ble Justice Anuj Singh

W.P.A. No. 1453 of 2024

Sukumar Durlov

-Versus-

State of West Bengal & Ors.

For the Petitioner : Mr. Tanmay Basu
Mr. Sayan Banerjee
Mr. Md. Aasif Iqbal
..... Advocate.

For the State : Mr. Atau Basu
Ms. Puja Sonkar
..... Advocate.

Heard on : 24.09.2026

Judgement on : 09.10.2026

Anuj Singh, J:.

1. The Petitioner is a daily labourer and father of the deceased, Samilan Durlov. He has filed the present writ petition, under Article 226 of the Constitution of India, alleging police inaction of Respondent Nos. 4 and 5, for not taking any legal steps and failing to consider the Petitioner's complaint, and seeking transfer of the investigation to CBI.

2. It is stated in the petition that one, Sanju Roy offered petitioner's son employment for daily labour outside the State, for which the petitioner's son had to visit several states includes Goa, Karnataka, etc. It is further stated that the petitioner's son had complaints regarding huge work pressure

without legitimate salary. In 2023, he was employed in Hyderabad. On 30.07.2023, Petitioner was informed of his son's sudden death. It is then stated that the Petitioner got to know from other daily labours that when petitioner's son asked for his salary, he was physically assaulted and murdered by Sanju Roy and other daily labours at Hyderabad.

3. It is alleged in the present petition that when the Petitioner informed the incident to Chakdah Police Station, the concerned officer was not cooperative. Moreover, when the Petitioner informed both Respondent Nos. 4 and 5 of the incident, asking them to take legal actions against the alleged miscreants, but they failed to act on the complaint of the Petitioner.

4. It is further submitted that although case has been registered for investigation of the death of the petitioner's son at Hydrabad (being Chittoor Police Station Case no. 55 of 2023), no effective investigation into the said case can be held as the petitioner and all the co-workers, who worked with the deceased while at Hyderabad just prior to his unfortunate and suspicious death, are residents of West Bengal. The petitioner has submitted that none of the witnesses have effectively participated in the investigation of the case at Hyderabad, registered for investigation into the death of the petitioner's son.

5. In such circumstances, the petitioner has prayed for transfer of the case from Hyderabad to CBI.

6. The question before this Court is whether High Court has power to transfer the investigation to the CBI in terms of Article 226 of the

Constitution of India, when the alleged incident took place in the State of Andhra Pradesh and the Chittoor Police Station, GRP Guntakal, Andhra Pradesh, has lodged the FIR and has already initiated the investigation.

7. In this regard, it is pertinent to note that the decision of the Hon'ble Supreme Court in **Navinchandra N. Majithia v. State of Maharashtra, [2000] Supp. 3 SCR 82**, settled the issue regarding powers of High Court to transfer investigation from one State to another. In that case, while observing that major portion of the offence was committed in Bombay, whereas the FIR was registered in Shillong, Meghalaya, the Supreme Court ordered to transfer the investigation to Bombay, holding that:-

"…The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case."

8. Thus, the inquiry that this Court has to make is that in the background of the factual position of the case in hand, whether where did the cause of action arose. In case the cause of action arose outside the territorial limits of jurisdiction of this Court, whether this court can direct transfer of investigation from State of Andhra Pradesh to CBI.

9. In the present matter, the factual position is very clear that the alleged incident took place in the State of Andhra Pradesh, and in the considered view of this Court, nothing happened in the State of West Bengal for this

Court to have jurisdiction in the present case. It is also not in dispute that the investigation of the case is going on at Hyderabad.

10. In **Vir Karan Awasthy v. State of U.P., CWP 24036 of 2015**, vide Order dated 06.04.2016, the Punjab and Haryana High Court dealt with a similar matter, where the cause of action wholly arose in the State of UP. Relying on Navinchandra N. Majithia (supra), the Punjab and Haryana High Court held that since no cause of action arose within their jurisdiction, they could not interfere in the petition. Furthermore, in **Shri Anil Anand v. State, WP (Crl) No. 1008/2010**, the Delhi High Court also dealt with a similar situation, where a prayer was made to transfer the investigation from Faridabad Police Station to Delhi Police, the Delhi High Court vide Order dated 03.08.2010, the Delhi Court dismissed the petition, holding that the Delhi High Court has no jurisdiction over illegality being committed by police officials of Faridabad, and thus the High Court did not possess the power to transfer the investigation which is pending in another State.

11. Thus, in view of the aforementioned position of law, since no cause of action arose in the State of West Bengal with regard to the alleged incident, this Court lacks the territorial jurisdiction to direct transfer of investigation from Chittoor Police Station, GRP Guntakal, Andhra Pradesh to CBI.

12. WPA 1453 of 2024 is accordingly dismissed without any orders as to costs.

(**Anuj Singh, J.**)