

28.01.2026
Item No.01
Ct. No.01
RP

MAT 651 of 2023
+
IA No.CAN 1 of 2023

Sri Bharat Ghosh
VS
The State of West Bengal & Ors.

Mr. Sarbesh Chaudhury
Ms. Sudeshna Maji
...For Appellant
Mr. Suddhadev Adak
Ms. Richa Pramanik
...For State

PER, PARTHA SARATHI SEN. J.:

1. Affidavit-of-service filed in Court today is taken on record.
2. Parties are represented through their respective learned counsels.
3. None appears on behalf of the private respondents.
4. At the time of hearing learned counsel for the appellant/writ petitioner at the very outset draws our attention to the prayers as made in the writ petition before the learned Single Judge as has been annexed with CAN 1 of 2023. It is submitted that the learned Single Judge while disposing of the said writ petition

though noticed that the writ petitioner's written complaint with the jurisdictional police station has been registered as FIR and, accordingly, a PS case has been initiated and noticing such fact the learned Single Judge though directed the jurisdictional police station to ensure that no breach of peace takes place in the area, even then for the reasons not known to the appellant/writ petitioner a cost of Rs.5100/- was imposed upon the appellant/writ petitioner, which caused extreme hardship upon the appellant/writ petitioner. It is, thus, submitted on behalf of the appellant/writ petitioner that while disposing of the instant appeal the cost as imposed upon the appellant/writ petitioner by the impugned order may be set aside.

5. Mr. Adak, learned advocate appearing for the respondent/State submits that in absence of any infirmity in the order impugned there is no reason to interfere with the said order. It is, however, contended that the prayer for

exempting the appellant/writ petitioner to pay cost may be considered by this Court.

6. On careful consideration of the entire materials as placed before us and after hearing the learned advocates for the contending parties it appears to us that while passing the impugned order the learned Single Judge though noticed that on the basis of the written complaint as lodged by the appellant/writ petitioner with the jurisdictional police station a PS case was initiated and even then the learned Single Judge while disposing of the said writ petition imposed a cost of Rs.5100/-, which is to be paid by the writ petitioner with the jurisdictional police station.
7. In our considered view, the cost as imposed by the learned Single Bench is a bit harsh and, thus, while disposing of the instant appeal we set aside the cost as imposed by the learned Single Judge upon the appellant/writ petitioner. However, we are not inclined to touch the other portion of the order impugned before us.

8. With the aforementioned observation, this instant appeal stands disposed of. With the disposal of the instant appeal, there is nothing to be decided in connection with CAN NO.1 of 2023 and, accordingly, the same is also disposed of.
9. Urgent photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL,CJ.]

[PARTHA SARATHI SEN, J.]