

(2018) 04 CAL CK 0120
In the Calcutta High Court
Case No : Writ Petition 4803(W) of 2018

Dr. Atanu Chattopadhyay

APPELLANT

Vs

Dipankar Datta State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 24-04-2018

Acts Referred:

Constitution Of India, 1950 — Article 21, 32

Citation : (2018) 04 CAL CK 0120

Hon'ble Judges : RAJASEKHAR MANTHA, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

This writ petition was heard an hour before lunch and an hour thereafter. The writ petitioner has scandalously impleaded, inter alia, a large number of

Hon'ble Judges of this Court as also that of the Hon'ble Supreme Court and the Prime Minister and Law Minister. Some of the prayers in the writ

petition, shocking and baffling as they are, are verbatim set out hereunder:

â??To issue writ of mandamus/certiorari or any other appropriate writ or Direction in the like nature to the respondents.

AND

For an immediate and interim directions to provide proper police securities and aids so that we can approach the Hon'ble Court and out home safely

and as and when needed for protection as an interim relief as the police failed to provide us the mandatory security and aid by dishonour the previous

directions of the Hon'ble Court.

AND

To direct the State to provide us a sum of rupees 5 lacks immediately with all

others facilities like staying, traveling in express train or flight, consultancy and preparation of the case and other legal provision before the Hon'ble Supreme Court of India to guaranteed our fundamental rights under articles 32 of the Constitution. That such provision was illegally denied by the legal service authorities and the concern public servants holding the various authorities.

AND

For direction to register first information report against the respondents, there must be some suitable preliminary high end enquiry against the allegation, by a responsible officers of an independent agency specially by the CBI against severe violation of the human rights, negligence in service and failure to do justice against the wrongs, abetments and illegal activities to indulging the heinous crime against the petitioners, misleading the Hon'ble Court as a public servants, destruction of valuable evidences and legal measures to reveal the truth considering the highly influential power of the respondents and to secure the maxima of The Constitution of India.

AND

For calling the respondents in the Hon'ble Court and the lawful action must be taken against the respondents for their negligence in service, abetments and illegal activities to indulge the heinous crime against the petitioners and the society in large by failure to do justice against the wrongs, and for illegally securing the criminals and erred police officer with malfeasance by severely contempt the Hon'ble Court order and for such the life and the properties of the petitioner was jeopardize.

AND

For that the public money shall not be misused against the public welfare and such misuse also include the promotion, salaries and all other facilities to the erred public servants who failed to conduct their duties with integrity and challenging the law and order by negligence, misbehavior, incapacity and misconduct and such injured a citizen, a class or society in large.

AND

For that to respect the often quoted maxim "Be ye ever so high, still the law is above you" and no doubt that the respondents are very influential and powerful which most of them often pronounced in the court to defend

themselves by challenging the humble request of the petitioner to follow the provision of the law. A proper precaution should be mandatory so that the miscarriage of justice shall be avoid and this must be proof that nobody is above the law to defame the dear Constitution and continuing the breach of trust with the weak people holding the judicial post. There must be a sensible person not a sensitive person as a judge.

AND

That all orders and directions which are challenged previously in various applications and writ petitions for violating the Principle of natural justice, constitutional rights and directions, violating the procedure establish by the law, against the serious misconducts and negligence shall be stands null and void under the provision of u/s 13, 14 and Part IV of Directive Principles of State Policy of the Constitution for the interest of just, fair, reasonable and righteous justice. The often quoted maxim "That justice should not just be done, but should also be seen as being done" derived from the Principle of Natural Justice and Free and fair trial is sine qua non (an essential condition) of Article 21 of the Constitution shall be secured and establish.

AND

For granting the compensation of 12 Crores rupees or more against willful negligence and failed to provide the mandatory service after charging the court fees and for such our lifestyle was seriously disturb, and prevent us to access the justice and compel us to take near impossible steps to secure the justice with willful negligence, obstruct in the Hon'ble Court, preventing to take a legal remedies and abetments to assassinate the whole family and to deprive our rights to properties by helping the notorious criminals and the law breaker by throwing away all the human values and misconduct as a public servants by holding the judicial posts. That part of this compensation shall be expense for the society to secure the rights of the citizen and to access the justice in time with filling the grievance.

AND

To grant the cost of this petition and proper compensation of rupees 20 lacks only for this case as the petitioners are in a serious challenged condition and knowingly the respondents putting us to the limit with due negligence.

AND

To kindly consider this petition and as an emergency petition for the speedy justice and social benefits.â??

The writ petitioner claims to be a qualified doctor in the area of alternative medicine. He also claims to be a social worker. He further claims that he is

involved with certain properties in respect of which disputes arose. The writ petitioner has launched several proceedings in the Civil, Criminal and

Constitutional jurisdictions of this Court. Various Benches of this Court have passed orders to secure the petitionerâ??s person and his family. There

are a large number of other proceedings pending before this Court, instituted by the petitioner.

At the instance of some Benches of this Court, the writ petitioner has also availed the services of the Legal Aid Authorities of this State. The

grievance of the writ petitioner is that the Respondents herein have not passed orders or enforced their own orders as per the writ petitionerâ??s

wishes. The writ petitioner has not annexed any document or any such orders. This Court tried to explain to the writ petitioner that if he was

aggrieved by the orders of a Court, he could prefer an appeal therefrom. The petitioner has, however, continued to press the allegations in the writ

petition.

With a view to appreciate the real grievance of the writ petitioner, this Court offered to direct the State Legal Services Authority, W.B. to assist the

petitioner in pursuing his remedies, if any, but the petitioner has refused the same. This Court in order to understand and consider the writ

petitionerâ??s grievance and allow him more leverage to explain the same with appropriate documents, also offered to adjourn the matter, until day

after tomorrow. The petitioner chose to continue and insisted that the matter be heard today itself.

The writ petition has been considered. It is painful to see the audaciousness of the writ petitioner in making wild allegations against one and all

including the Hon'ble Judges of this Court and the Hon'ble Supreme Court and other Constitutional functionaries. Since the petitioner has been

litigating before this Court since the year 2012, it cannot be said that he is not aware of the procedure and decorum of Court. Apart from being utterly

contumacious and scandalous, the allegations made in the writ petition as also before me orally, are entirely ridiculous and bereft of substance. The

above contumacious conduct of the writ petitioner is, disgraceful, undesirable and unbecoming of a person who claims the levels of education he has.

The writ petitioner is fully conscious of what he is saying and what has been written in this writ petition which he himself has affirmed.

The above indicates in no uncertain terms that there is contempt on the face of Court. The allegations in the writ petition are ex facie contumacious.

The petitioner has reiterated the same in his oral submissions, despite being forewarned in that regard. It is therefore futile to call upon the writ

petitioner to further explain his contumacious conduct before this Court.

However, in the facts and circumstances, this Court is of the view that the writ petitioner should be sternly warned, and is hereby warned against

repeating any such acts in future. It is needless to say that if such conduct as above is repeated by the petitioner, appropriate penalties would be

imposed on him. W.P. 4803(W) of 2018 is hereby dismissed. There shall be no order as to costs. Urgent photostat certified copy of this order, if

applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.