

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6249-6250

OF 2001

STATE OF WEST BENGAL & ORS.

Appellant(s)

:VERSUS:

COMMITTEE FOR PROTECTION OF DEMOCRATIC
RIGHTS & ORS.

Respondent(s)

O R D E R

C.A. Nos.6249-6250/2001:

Mr. Tara Chandra Sharma, learned counsel appearing for the State of West Bengal fairly submitted that in view of the Constitution Bench decision of this Court in State of West Bengal and Ors. vs. Committee for Protection of Democratic Rights, West Bengal and Ors., reported in (2010) 3 SCC 571, these appeals are liable to be dismissed as has been observed by this Court in paragraph 69, which reads as under:

"In the final analysis, our answer to the question referred is that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution, to CBI to investigate a cognizable offence alleged to have been committed within the territory of a State without the consent of that State will

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neither impinge upon the federal structure of the Constitution nor violate the doctrine of separation of power and shall be valid in law. Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealously and vigilantly."

In view of the aforesaid pronouncement of the Constitution Bench, nothing survives in these appeals and the same are accordingly dismissed leaving the parties to

bear their own costs.

S.L.P.(Crl.) No.4096/2007:

Mr. Tara Chandra Sharma, learned counsel appearing for the State of West Bengal submits that in view of the aforesaid order passed by this Court in C.A. Nos.6249-6250/2001, nothing survives in this petition. This special leave petition is accordingly dismissed.

W.P.(C) No.573/2006:

Mr. Mukul Rohatgi, learned senior counsel appearing on behalf of the petitioner submits that in view of the Constitution Bench judgment of this Court in State of West Bengal and Ors. (supra), he may be

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permitted to withdraw this petition. Leave as prayed for is granted. The writ petition is dismissed as withdrawn.

However, the petitioner would be at liberty to move a fresh petition, if so advised, before the Karnataka High Court at Bangalore.

W.P.(Crl.) No.24/2008:

Mr. Huzefa Ahmadi, learned counsel appearing on behalf of the petitioners prays for leave of the Court to withdraw this petition in order to file appropriate petition, if so advised, before the Uttarakhand High Court at Nainital. Leave as prayed for is granted. This writ petition is dismissed as withdrawn.

Interim order granted by this Court is extended for a period of another four weeks.

.....J
(DALVEER BHANDARI)

.....J
(Dr. MUKUNDAKAM SHARMA)

New Delhi;
August 10, 2010.

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ITEM NO.103

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 6249-6250 OF 2001

STATE OF WEST BENGAL & ORS.

Appellant (s)

VERSUS

COMMITTEE FOR PROTECT, DEMOCRATIC RIGHTS & ORS

Respondent(s)

(With office report)

WITH

W.P(C) NO.573 of 2006

SLP(Crl) NO.4096 of 2007
(With office report)

W.P(CRL.) NO.24 of 2008
(With appln. for stay and with office report)

Date: 10/08/2010 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Appellant(s) Mr. Tara Chandra Sharma, Adv.
in CA 6249-6250/01 Ms. Neelam Sharma, Adv.
& SLP 4096/07 Mr. Kishan Datta, Adv.

in WP(C) 573/06 Mr. Mukul Rohatgi, Sr. Adv.
Mr. P.S. Narasimha, Sr. Adv.
Mr. Sridhar Potaraju, Adv.
Mr. D. Julius Riamei, Adv.
Mr. Gaichang Rai Gangmei, Adv.

in WP(Crl.) 24/08 Mr. Huzefa Ahmadi, Adv.
Mr. Ejaz Maqbool, Adv.
Ms. Sakshi Banga, Adv.
Ms. Garima Kapoor, Adv.

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For Respondent(s) Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Ms. Shagun Matta, Adv.

Mr. Hiren Dasan, Adv.
Mr. Dharendra Kr. Mishra, Adv.
Mrs. Sarla Chandra, Adv.
Mr. Naik H.K., Adv.

Mr. Tashriq Ahmad, Adv.
Mr. Parag Dabas, Adv.

Mr. B. Krishna Prasad,Adv.

Mr. Ch. Shamsuddin Khan,Adv.

Mr. Keshav Dayal,Adv.

Mrs. Rajni Ohri Lal,Adv.

Mr. A.K. Sharma,Adv.

Mr. Prashant Kumar,Adv.

Ms. Trivedi Poteker,Adv.

Ms. Bimola Devi,Adv.

Mr. Amarjit Singh Bedi,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Ranjan Mukherjee,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties.

C.A. Nos.6249-6250/2001 & SLP(Crl.) No.4096/2007
are dismissed and WP(C) No.573/2006 & WP(Crl.) No.24/2008
are dismissed as withdrawn as per the signed order.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)