

04/12/2020
Item No.11 SL
AB/S DE

Through Video Conference

W.P.A. 29739 of 1997

Sri Kanchan Tanti

-Vs-

The State of West Bengal & Ors.

This matter relates to the allegation regarding the failure to hand over a child to his mother following his birth in a hospital.

When this writ petition came up for consideration on 22.12.1997, this Court issued a direction to the Director General of Police to have a case registered and to hand it over for investigation.

Though different directions were issued with the further order to the Registry of this Court to list the matter after three months, it is a matter of great misfortune that this matter is listed today after 23 years of hibernation of this file in the cupboard of the High Court.

We are in a judicial system. We cannot afford stacking of files without the same being listed in spite of judicial orders. When matters are not listed by the office of the High Court in spite of judicial orders, it may, at least in certain situations, be appropriate that the Courts should consider initiating action for misconduct against the officers concerned for having

deflected the course of justice by disobeying judicial orders for posting a case. Such situation occurred, all the more in this case which relates to a writ in the nature of habeas corpus in which there was a direction by the Division Bench headed by the then Chief Justice to list the matter after three months from 22.12.1997 to enable the Director General of Police to report the action taken.

With the passage of time, we see that through the earlier order dated 22.12.1997, the sister of the petitioner was released and she was left with the freedom to move subject to her liking and making herself available for recording of statement under Section 161 Cr.P.C.

Under such circumstances, we do not think that any further order is required to be passed excepting to close this matter expressing our strong displeasure against the department for not having this matter listed for the last 23 years.

WPA 29739 of 1997 is, accordingly, disposed of.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)

