

04-10-2021
ct no. 13
Sl.1 (suppl.)
sp

WPA 16786 of 2021

Satendra Singh

-Versus-

The Hon'ble Speaker of the W.B. Legislative Assembly, Biman
Banerjee & Anr.

(Via Video Conference)

Mr. Tushar Mehta, Id. Solicitor General,
Mr. Mr. Y.J. Dastoor, Id. Additional Solicitor General,
Mr. Phiroze Edulji,
Mr. Kanu Agarwal,
Mr. Samrat Goswami

...for the petitioner

The writ petitioner is Deputy Superintendent of Police, C.B.I., who conducted an investigation into acts of omission and commission of Ministers and Members of the West Bengal State Legislative Assembly. A charge sheet has been filed and the Special C.B.I. Court is in seisin over the matter.

The petitioner was summoned to appear before the Speaker of the West Bengal State Legislative Assembly from time to time lastly on today, the 4th of October 2021 at 1 p.m. On each of the earlier occasions, the petitioner replied to the questions raised by the Speaker on the propriety of the investigation.

Mr. Tushar Mehta, learned Solicitor General submits before this Court that since the C.B.I. has obtained sanction of the Hon'ble Governor of the State of West Bengal for prosecuting the four Members of

the legislature and hence the Speaker does not have authority, to question the same.

Mr. Mehta also argued that the issue as regards the authority of the Hon'ble Governor to grant sanction, may also be subject matter of a proceeding before five Judges' bench of this Court or any jurisdictional Court.

Mr. Mehta, therefore, prays that the petitioner be exempted from appearing before the Speaker for the day.

Mr. Edulji, learned junior Advocate and Mr. Dastoor, learned Additional Solicitor General, indicate to this Court that there was an attempt to serve a copy of the writ application on the respondents and their officials after leave was granted by this Court in the morning to move this application today at 2 p.m. The said officials were however made to sit for long before receipt of a copy.

This Court is of the view that the respondents are required to be heard before any orders are passed.

Since the Speaker is a Constitutional functionary, the petitioner shall appear before the Speaker at about 4 p.m. today (04.10.2021). The views of the Speaker shall be heard by the petitioner and an adjournment shall be prayed.

Let this matter stand adjourned and be listed **tomorrow (05.10.2021) at 2 p.m.**

It is made absolutely clear that the appearance of the petitioner before the Speaker, shall be strictly

without prejudice to his argument that the Speaker does not have jurisdiction, to summon the petitioner or question the sanction already granted by the Hon'ble Governor of the State, to initiate prosecution against the four Ministers/Members of the Legislative Assembly of the State of West Bengal.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)