

**Vs. Union of India and ors.**

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**SooperKanoon Citation : [sooperkanoon.com/1127042](http://sooperkanoon.com/1127042)**

**Court : Kolkata**

**Decided On : Feb-18-2014**

**Judge : Harish Tandon**

**Respondent : Union of India and ors.**

**Judgement :**

ORDER

SHEET G.A.No.401 of 2014 W.P.No.19 of 2014 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE Sr.MAHENDRA KUMAR SUTAR Versus UNION OF INDIA & ORS.Petitioner Respondents BEFORE: The Hon'ble JUSTICE HARISH TANDON Date : 18th February, 2014.

For Petitioner : Mr.Arijit Chatterjee, Adv.For Respondents : Mr.R.Bharadwaj with MRS.Santa Mitra, Adversus This is an application listed at the instance of respondent no.4 for modification of the order dated 9th January, 2014 by which the said respondent was directed to consider and dispose of the application being Annexure P-14 to the writ petition by a reasoned order within three weeks from the date of communication of the order.

According to the respondent, the proper authority to consider the prayer for provisional release made in the said application is the respondent no.2.

The learned Advocate appearing for the respondent no.2 submits that the prayer for provisional release can only be considered provided the respondent no.4

hands over all the relevant documents for such purpose.

It is no doubt true that between the two authorities it is the petitioner who suffers the most.

To mitigate the situation that has arisen, since the respondent no.4 lacks the statutory power to consider the prayer for provisional release, this Court modifies the order dated 9th January, 2014 to the extent that instead of respondent no.4, the respondent no.2 shall consider and dispose of the application being Annexure P-14 at page 65 of the writ petition by passing a reasoned and speaking order in accordance with law within ten days from the date of communication of this order.

The respondent no.4 is directed to hand over all the documents in their possession pertaining to the consignment of the petitioner by 20th February, 2014.

With these observations the application for modification is disposed of.

Let the downloaded copy of this order from the official web site of this Court and countersigned by the Registrar (Listing).be handed over to the parties.

(HARISH TANDON, J.) K.

Banerjee A.R.[C.R.].

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