

**SUPREME COURT OF INDIA**

State of West Bengal

Vs.

Committ.for Protect,Democratic Rights

C.A.Nos.6249-6250 of 2001

(Dalveer Bhandari and Dr. Mukundakam Sharma JJ.)

10.08.2010

**ORDER**

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 The writ petition is dismissed as withdrawn.”

2. 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:

3. 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.

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