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December 10,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 10079 of 2020

**Kanishk Sinha
Versus
The Union of India and others**

Mr. Kanishk Sinha. petitioner-in-person.

Mr. Y. J. Dastoor,
Mr. Nilanjan Bhattacharjee.
...for the respondent nos. 1 and 2.

The grievance of the petitioner is that several notifications have been issued by the respondent-authorities in an apparent violation of an order of injunction dated February 24, 2020 passed in Title Suit No.27 of 2018 pending before the Additional District Judge, 13th Court at Alipore. The petitioner, appearing in person with the leave of Court, submits that the regular presiding Judge of the said court was not sitting, for which the present writ petition had to be filed. It is further submitted that, by a previous order dated June 23, 2017, a co-ordinate Bench, while disposing of W.P. No.23967(W) of 2016, had set aside similar notifications and, as such, the action of the

respondent-authorities in issuing the impugned notifications is patently illegal and ought to be set aside by this Court.

Learned Additional Solicitor General submits that the excuse of the petitioner for approaching this Court is negated in view of the fact that, after having filed the writ petition, the petitioner has already obtained orders from the Additional District Judge at Alipore in respect of alleged violation of its injunction order. Moreover, it is submitted that this Court ought not to interfere in the matter in view of the civil court being in seisin of the dispute.

Upon hearing both sides, it is evident that this Court ought not to pass any direction in the matter, since the civil court is in seisin of the matter at the instance of the petitioner himself and has been passing orders in respect of the allegations made in the writ petition.

At this juncture, during delivery of order, the petitioner prays for withdrawing the present writ petition and to approach the civil court. However, it is too late in the day to make such prayer, after the Court has expressed its opinion by partially dictating the order. Such practice is, as such, deprecated.

In any event, there is no occasion for the Court to enter into the merits of the contentions of the petitioner as taken in the writ petition. Hence, there is

no scope of the contentions of the petitioner being affected in any manner in so far as the suit, pending before the civil court, is concerned.

Accordingly, W.P.A. 10079 of 2020 is dismissed as not maintainable, with liberty to the petitioner to proceed before the concerned court with the grievances ventilated herein.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)