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08.02.2021
Mithun

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA/124 /2021
With
I.A.No.CAN/1/2021.**

Nikhil Pareek
-versus-
Union of India & Ors.

Mr. Debjit Mukherjee, Adv,
Mr. Pritha Basu, Adv.

...For the petitioner.

Mr. Sudipta Muzumdar, Ld. A.S.G.,
Ms. Swarnali Ghosh, Adv.

... for Union of India.

The instant writ petition is filed by the petitioner praying for issuance of writ of mandamus commanding the responding authorities and each of them not to use record of proceedings or any evidence that were recorded before the Court of Enquiry or subsequent stages any future proceeding against him and consequential reliefs.

It is the grievance of the petitioner that the petitioner was subjected to a process of enquiry on the basis of an anonymous complaint upon which no action ought to have been taken.

For redressal of the petitioner's grievance, he has efficacious remedy in filing proper application before the Armed Forces Tribunal. The petitioner cannot directly file an application under Article 226 of the

Constitution claiming violation of natural justice. For the reasons stated above, I have no other alternative but to hold that the instant writ petition is not maintainable and, accordingly, it is summarily dismissed.

(Bibek Chaudhuri, J.)