

OD -3

WPO 134 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PURSHOTAM DHANDHANIA
VS
NATIONAL INSURANCE COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : April 13, 2021.

Appearance:
Mr. Bhaskar Prasad Banerjee, Adv.
Mr. Parashar Baidya, Adv.
... for petitioner
Mr. Debajyoti Datta, Adv.
Mr. Arijeet Doss Mullick, Adv.
...for respondent.

The Court : At the outset, learned Counsel for the respondent Authorities take a preliminary objection as to maintainability of the writ petition on the ground of availability of equally efficacious alternative remedy.

Learned Counsel appearing for the petitioner, by placing reliance on a judgment reported at *2004 SCC Online (Bom) 306*, contends that a public authority coming within a purview of Article 12 of the Constitution of India, even while entering into contracts of a private nature, has to adhere to the provisions of the Constitution of India as well as to natural justice.

There is no doubt on the proposition cited by learned Counsel for the petitioner. However, a blanket application of the said proposition, without looking into the merits of the factual aspects, ought not to be resorted to. In order to adjudicate the disputes raised in the writ petition, factual aspects requiring detailed evidence have to be gone into, which would not be prudent in a writ petition, particularly since an efficacious alternative remedy under a special statute is available to the petitioner.

Accordingly, WPO 134 of 2021 is dismissed as not maintainable, with liberty to the petitioner to approach the appropriate forum.

There will be no order as to costs.

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

(SABYASACHI BHATTACHARYYA, J.)