

W.P.O. No. 373 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VIDEO CONFERENCE)

AMALA ROY DAS @ AMALA DAS ROY
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ABHIJIT GANGOPADHYAY

Date : 8th July, 2021.

Appearance :
Mr. Syed Shamsul Arefin, Adv.
...for the petitioner

Mr. Subhendu Roy Chowdhury, Adv.
Ms. Chaitali Bhattacharyya, Adv.
...for the respondents

The Court: This writ application has been filed in the Original Side but all the respondents reside or carry on business or have their offices situate outside the Ordinary Original Civil Jurisdiction of this High Court. It has been noted that in complete violation of the Rules of this Court relating to applications under Article 226 of the Constitution of India (Writ Rules, in short) such writ applications, which are to be filed in the Appellate Side of this Court, are being filed in the Original Side. Rule 4 of Writ Rules framed by this Court cannot be ignored. Rule 4 is a subsisting Rule. It cannot be violated so long it is in existence. Some orders of this Court for not following the Rule cannot have the effect of negating the said Rule. Those orders might be for the related writ applications and not for all writ applications. Unless it is shown that said Rule 4 of the writ Rules (approved by the Full Court, in the administrative side of this Court, first published in Calcutta Gazette dated 10th November, 1960) and subsequently amended from time to time was challenged and the challenge was

considered by hearing the necessary parties and thereafter the said Rule 4 has been overruled, said Rule 4 must be followed. It is to be kept in mind that despite several amendments made in the writ Rules after 10th November, 1960, Rule 4 has not been materially altered.

For showing total disregard to the Writ Rules of this Court this writ application is dismissed with costs of Rs.2000/- to be paid by the petitioner to the High Court Legal Services Authority within a period of two weeks from date.

The petitioner is granted liberty to file afresh.

(ABHIJIT GANGOPADHYAY, J.)

S.Bag