

17-02-2022  
Item No.32  
Subrata

IN THE HIGH COURT AT CALCUTTA  
Constitutional writ Jurisdiction  
Appellate side

**WPA No.2450 of 2022**

**Dipanwita Paul Das**

**-vs-**

**The Chief Commissioner of Customs & Ors.**

Mr. Prasenjit Burman

Mr. Chitrak Biswas ...for the petitioner

Mr. K.K. Maiti

Mr. Tapan Bhanja ...for the Customs authority

Mr. Debrup Bhattacharjee ...for respondent no.4

Mr. Sandip Bhattacharya

Mr. Dipta Dipak Baerjee

Mr. Debaditya Banerjee ...for respondent no.6

Mr. Tanmay Roy

...for respondent no.7

Heard learned advocates appearing for the parties.

Considering the submission of the parties and on perusal of records annexed to the writ petition, I find that this is not a fit case for invoking Constitutional writ jurisdiction for the reason that the claim of the petitioner is against missing of her goods in question from the premises of a third party where the customs have got no role to play; and in addition, the questions as to how the goods were missing, what were the quantities of goods, who has misappropriated the goods – these allegations are solely based on facts and matters of evidence which cannot be gone into in exercise of Constitutional writ jurisdiction under Article 226.

In view of the discussion made above, I am not inclined to entertain this writ petition being **WPA No.2450 of 2022 and the same is hereby dismissed.**

However, dismissal of this writ petition will not prevent the petitioner from availing any remedy, if available under any provisions of law before any appropriate authority.

[Md. Nizamuddin, J]