

27-04-2022
Item No.8 & 9
PA

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.6612 of 2022
Biplab Kumar Chowdhury
-vs-
The Union of India & Ors.
with
WPA No.6713 of 2022

Mr. R.S. Chattopadhyay
Mr. Soumi Bhattacharya ...for the petitioner

Mr. Vipul Kundalia ...for respondents no.3, 5, 7, 10
& 11-14

Mr. Siddhartha Das
Ms. Swapna Das ...for the private respondents
(in WPA 6713/2022)

Mr. Swagata Datta
Mr. Nirupam Dhali ...for the private respondent
(in WPA 6612/2022)

Petitioner has filed these writ petitions by alleging that the private respondents are carrying partnership business without having any genuine PAN and valid GST registration and evading taxes and the respondents authorities concerned are not taking any action against the private respondents and the petitioner calling himself being “person aggrieved” by such inaction on the part of the respondents wants this court to invoke its constitutional writ jurisdiction under Article 226 of the Constitution of India. It is well settled principle of law that any individual being “person aggrieved” by action or inaction on the part of any authority within the meaning of “State” under Article 12 of the Constitution can file writ petition which petitioner failed to satisfy this court by any substantive argument as to how any cause of action arise for him in his individual capacity and petitioner can be called “person aggrieved” and

ask this court to invoke constitutional writ jurisdiction under Article 226 of the Constitution of India. Petitioner submits that general public are affected by the alleged evasion of taxes by the private respondents to which I am of the considered view that if petitioner wants to espouse the cause of other persons in that case those persons in the society must have been under privileged or having no means of access to court and further writ petitions filed by the petitioner is neither a public interest litigation (PIL) nor petitioner has taken such grounds in the writ petitions nor in pleadings and further I have no determination to hear any PIL.

In view of the discussion made above, these writ petitions being WPA No.6612 of 2022 and WPA No.6713 of 2022 are dismissed with no order as to costs.

[Md. Nizamuddin, J]

