

16. 08.02.2022
Ct. No.06
Tanmoy

**F.M.A. 709 of 2021
With
IA No: C.A.N. 1 of 2021**

**Smt. Krishna Roychowdhury
-Versus-
The State of West Bengal & Ors.
(Through Video Conference)**

Mr. Soumya Majumder, Adv.,
Mr. Krishnendu Bera, Adv.

...for the appellant.

Mr. Samrat Sen, Ld. Sr. Adv.,
Ms. Manali Ali, Adv.

...for the State.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal has been preferred against an order dated February 26, 2021 whereby the learned Single Judge released W.P.A. No. 3890 of 2021 from His Lordship's list observing that His Lordship lacks jurisdiction since the prayers of the writ petition show that the writ petition is in the nature of a Public Interest Litigation.

We have some doubt about whether or not the order impugned is an appealable order. However, not going into such question, we have perused the writ petition. It does not appear to be a Public Interest

Litigation. The writ petitioner appears to be espousing her own cause regarding obtaining of two mining leases from the Government. The prayers, read in the context of the averments in the writ petition, would also indicate that it is a private interest litigation. However, the prayers could have been more happily worded. Liberty is granted to the writ petitioner/appellant to amend the prayers, if she is so advised.

Let the writ petition be listed before the learned Single Judge having determination to hear the matter.

The appeal being F.M.A. 709 of 2021 and the connected application being IA No: C.A.N. 1 of 2021 are accordingly disposed of.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties upon compliance with all usual formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)