

82 **16.12.
2022**
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WPLRT 90 of 2022

Nirmal Kumar Panda
Vs.
The State of West Bengal and others.

Mr. Bhaskar Chandra Manna.
... for the petitioner.

Mr. Md. T. M. Siddiqui,
Mr. Supratim Dhar.
... for the State.

The Court should not permit the litigant to jump the forum and seek final relief for which the proceeding is initiated before the Tribunal.

Mr. Bhaskar Chandra Manna, learned Advocate appearing on behalf of the petitioner, submits that the said Tribunal was approached for an innocuous relief and there was no justification in fixing a date after a gap of nearly a year.

We appreciate the agony and anguish shown by Mr. Manna in this regard. We have noticed in the past that the Tribunal was fixing a date after a gap of nearly one year, which is opposed to a legislative intent and the vision of the constituent assembly while proposing the adoption of the Constitution by the people of our country.

The provision contained under Section 323A and 323B of the Constitution of India was introduced later by way of an amendment keeping in mind that such institution would augment the speedy disposal of the specified cases for which it is constituted. The moment the dates are fixed ranging between ten months to one and half years, it frustrates the legislative intent and

opposed to the constitutional provisions.

Be that as it may, when this matter is taken up, considerable time has elapsed, as we are of the middle of the month of December 2022 and the next date is fixed on 3rd February 2023, which is in close proximity of the time from today.

We made it clear that the Tribunal shall take up the matter on the said date and endeavour shall be made to dispose of the same as expeditiously as possible.

We are assured by both the parties that they would not seek any unnecessary adjournment before the Tribunal unless necessitated by unforeseen and unavoidable circumstances.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)