

18.05.2022
Court No.13
Item No.3
AP

WPA 16525 of 2011

**Achinta Ram Mukhopadhyay (Mukherjee) & Anr.
Vs.
Union of India & Ors.**

Mr. Syed Shamsul Arefin
Ms. Nadira Abedin

... For the Petitioners.

Mr. Asit Kumar De

... For the Union of India.

It is submitted by Mr. Arefin, learned counsel for the petitioners that the petitioner No.1 has died. Since the writ petitioner No.2 is the son of the petitioner No.1 is already on record, the writ petition shall not be deemed to have abated.

The supplementary affidavit filed in Court today is taken on record.

The only issue that can be entertained under Article 226 of the Constitution of India is the alleged inaction on the part of the Burdwan police station in investigating into a complaint of the petitioners.

It is submitted that the private respondents in collusion and conspiracy with the postal authorities have illegally withdrawn sums of money from the petitioners' accounts. The petitioners made a representation to the Vigilance Commission as also against the postal authorities, which has not been entertained.

The postal authorities have submitted instructions dated 16th January 2020, which is taken on record. Certain observations have been made by the postal authorities.

In so far as the remedies under the criminal law is concerned that the petitioners had an effective alternative remedy to move before the magistrate concerned under the provisions of Section 156(3) or under Section 200 of the Cr.P.C. to seek remedies.

The grievances against the postal authorities cannot be adjudicated under Article 226 of the Constitution of India since there are disputed questions of fact. The petitioner may take out appropriate civil proceedings against the postal authorities if such remedies are available to him inter alia under the statute of limitations.

Accordingly, the writ petition is disposed of without any orders.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)