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Ct. No. 04

Akd

WPLRT 126 of 2022

Bhupendra Nath Maity

Vs.

The State of West Bengal & Ors.

Mr. B. C. Manna.

... for the petitioner.

Mr. T. M. Siddiqui,

Mr. Supratim Dhar.

... for the State.

A circuitous route is sought to be embarked upon by the writ petitioner by filing the instant writ petition and seeking a direction, which would virtually render the tribunal application infructuous.

The approach is made to the Tribunal where the main relief is sought, as the authorities have not acted or taken any decision on the representation/application taken out by the writ petitioner and the moment Tribunal passed an order fixing another date on the prayer of the writ petitioner, immediately the petitioner approached this Court.

Our attention is drawn to the order dated 16th March, 2022, wherein the petitioner prayed for an adjournment and the moment Tribunal granted adjournment, the petitioner filed the instant writ petition.

It is submitted that though the adjournment was sought but for a short time and, therefore, the Tribunal ought not to have adjourned the matter for a longer time.

The aforesaid stand does not appear from the tenet of the order recorded on 16th March, 2022. Apart from the same, despite having aware of the order dated 16th March, 2022 the certified copy was not applied until 7th July, 2022 and after obtaining the same on the said date the writ petition was affirmed on 23rd August, 2022 and thereafter filed in this Court.

There has been a considerable delay in coming to this Court on the premise that longer date has been fixed and when the matter is taken up today, we find that the next date is in close proximity of time for the simple reason that the Tribunal shall be closed for long vacation on and from 1st October, 2022.

Interestingly Mr. Manna, learned Advocate appearing for the petitioner, submits that the writ petition should be disposed of directing the authority to take a decision on the application/representation.

We find that since the said application/representation was not considered, the Tribunal was approached and a circuitous route adopted by the writ petitioner to secure an order for which the tribunal application is filed in order to render the said application nugatory or virtually disposed of. The hierarchy of the system cannot be undermined nor the litigant is permitted to jump the forum and secure an order for which the proceeding is pending before the Tribunal.

Accordingly, we do not persuade ourselves to accede the prayer of Mr. Manna, learned Advocate appearing for the petitioner. The same is hereby refused.

However, the next date is fixed on 20th January, 2023. We expect and hope that the Tribunal would take up the said matter on the said date and endeavour shall be shown to dispose of the same as expeditiously as possible.

The writ petition is thus disposed of.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

