

25.
21.09.2022.
Ct. No. 21.
F.B.

WPA 20549 of 2022

Smt. Munni Devi
-Vs.-
Eastern Coalfields Ltd. & Ors.

Ms. Priyanka Saha,
Mr. Komal Singh
..... For the Petitioner.

Mr. Manik Das
..... For the Respondent
Nos. 1 to 4.

Affidavit-of-service filed in Court today be retained with the record.

The writ petitioner in this writ petition prays for writ in the nature of *Quo warranto* against the private respondent no. 5 on the issue of impersonation of her brother/one Kishori Das. The writ petitioner's mother was an ex-employee of Eastern Coalfields Limited (in short, ECL). She died-in-harness on August 5, 2005. Her son, Kishori Das pre-deceased her on December 25, 2002.

Ms. Saha, Learned Counsel appearing on behalf of the writ petitioner, submits that at a belated stage only in 2001, the writ petitioner became aware of the fact that the private respondent no. 5 has been working

with the ECL upon impersonating himself as the son of the Fulmotia Kamin/her mother. It is submitted that despite representations made by the writ petitioner since January 20, 2022 and an FIR lodged on July 20, 2020 no steps have been taken by either the respondents or the police regarding investigation in the said matter.

Furthermore, an application under section 154 Cr.PC has also been filed by the writ petitioner.

Mr. Das, Learned Counsel appearing on behalf of the ECL, submits that a Civil Suit being T.S. No. 70 of 2021 has already been filed on or about March 16, 2021 by the writ petitioner inter alia for declaring the defendant no. 1 therein/the private respondent in the writ petition not to be the heir of the deceased employee/Fulmotia Kamin and for setting aside of his order of appointment by ECL.

Furthermore, no-objection certificate has been produced whereon left hand thumb impression of the writ petitioner purportedly appears. The said certificate was given for the purpose of recording the no-objection of the writ petitioner in favour of the private respondent.

Having considered the rival submissions of the parties and materials placed on record, this Court is of

the view that there are disputed questions of fact regarding the identity of the respondent no. 5 in this writ petition. Prior Civil Suit being T.S. No. 70 of 2021 has already been filed before the Civil Judge, Junior Division at Durgapur for determination of the issue of identity of the respondent no. 5 for declaration that he is not the heir or legal representatives of the deceased employee.

Appropriate forum to decide the issue raised in the writ petition is a Civil Court and not in a Writ Court. No relief can be granted to the writ petitioner until the issue of identity is settled by the Civil Court.

Since no affidavits have been called for in this writ petition, all allegations contained therein are deemed not to have admitted by the parties.

The writ petition being **WPA 20549 of 2022** is **dismissed** without any order as to costs.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)