

10.11.2022
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W.P.A. No.23091 of 2022

Dr. Atanu Chattopadhyay.

Vs.

Smt. Droupadi Murmu & Ors.

Dr. Atanu Chattopadhyay petitioner-in-person.

Mr. Asok Kumar Chakraborti, Ld. A.S.G.,
Mr. Kumar Jyoti Tewari,
Mr. Sukanta Ghosh ... for the Union of India.

This writ petition had been filed by the writ petitioner praying for issuance of a writ of mandamus commanding the respondents for protection of the fundamental rights and thereby right to life and dignity to secure human rights, livelihood and properties for the decent living opportunities to the destitute. Further, the petitioner seeks for a writ of mandamus to direct the respondents to implement the remedies stated in the Urban Homeless Shelters issued by the Government since 2014.

The writ petition was initially listed before an Hon'ble Single Bench and it appears that the writ petitioner appearing in person had mentioned that the writ petition should be treated as a public interest litigation. The learned Single Bench by an order dated 11th October, 2022 held that the Court has no

determination to entertain the public interest litigation and accordingly, the matter was released. Thereafter the matter was placed before the Hon'ble Chief Justice and by an order dated 31st October, 2022 the writ petition has been assigned to us.

At the commencement of hearing, the petitioner appearing in person handed over a signed note stating that we have to release the above matter. Since the matter has been specifically assigned to this Division Bench, we are unable to accede to such a request. After we have heard the petitioner for some time, we had pointed out that the writ petition is inherently defective. Firstly, we pointed out that the petitioner has impleaded as many as 37 respondents and the first respondent is Her Excellency the President of India. This is followed by the Hon'ble Prime Minister, the Hon'ble Chief Justice of India, the Hon'ble Governor of West Bengal, the Hon'ble Chief Justice of Calcutta High Court and the Hon'ble Collegium Judges of the Hon'ble Supreme Court, the Hon'ble Union Ministers and others. We had tried to point out to the petitioner that the writ petition is defective and no writ of mandamus, as sought for can be issued to the respondents on the averments set out in the affidavit filed in support of the writ petition.

Furthermore, we find that the petitioner had not made any representation to the competent authority, if

at all he has got any grievance that the poor and destitute are not being taken care of by the concerned departments.

In annexure P-2 to the writ petition, the petitioner has annexed representation sent through e-mail dated 28th February, 2021. The said e-mail had been sent to the District Magistrate & Collector, Hooghly, the Commissioner of Police, Chandannagar, Officer-in-Charge, Serampore Police Station, the District Legal Services Authority, Hooghly and the learned District & Sessions Judge, Hooghly. On going through the said representation, we find that we are unable to comprehend as to what is the grievance of the petitioner. In any event, the parties to whom the said e-mail was sent are not impleaded as the respondents in the writ petition.

The petitioner appearing in person had referred to certain paragraphs of the affidavit filed in support of the writ petition. We find that the exact grievance of the petitioner cannot be ascertained from the pleadings. As already mentioned, the writ petition is defective, writ of mandamus cannot be issued against the respondents in the given facts. Therefore, we are unable to entertain this writ petition as a public interest litigation. Accordingly, the writ petition stands dismissed.

No costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)