

15.03.2023

Sl no. 105

Ct no. 2

P.M.

WPA 3219 OF 2023

Sri Hari Construction & Anr.

- Vs -

The State of West Bengal & Ors.

Ms. Santi Das

... for the petitioners

Mr. Pradip Kumar Roy,

Mr. Prabir Kumar Ray,

Mr. Joydeep Roy

... for the State.

Mr. P. C. Bhattacharya,

Mr. Chandan Kr. Pal

... for respondent No. 6

Heard learned advocates appearing for the respective parties.

By this writ petition petitioner has made prayer for relief of directing the respondent authority concerned for releasing the due amount relating to completion of tender work of construction of the building in question.

Learned advocate appearing for the respondents opposes this writ petition on the ground of maintainability of the same by relying on an unreported decision of this Court dated 31st January, 2023 in WPA 2173 of 2023 (Sri Suman Sengupta & Anr. – Vs. – Union of India & Ors.) following a decision of the Honble Supreme Court in the case of

S. S. Rana Vs. Registrar, Co-operative Societies & Anr. Reported in (2006) 11 SCC 634.

Considering the submission of the parties this writ petition being WPA 3219 of 2023 is dismissed on the ground being not maintainable under constitutional writ jurisdiction of this Court.

However, dismissal of this writ petition will not be a bar on the part of the petitioner to seek appropriate remedy before the appropriate forum in accordance with law.

(Md. Nizamuddin, J.)