

27.07.2023
Item No.11
gd/ssd

MAT/717/2023
IA NO: CAN/1/2023
ARCHANA RAY
VS
UNION OF INDIA AND ORS.

Mr. Suddhadev Adak

... for the State.

1. This intra court appeal has been filed by the writ petitioner in WPA 2918 of 2023 challenging the order dated 22.03.2023 by which the writ petition was dismissed on the sole ground that the petitioner has misled the court to believe that the writ petition is a senior citizen matter.

2. On going through the writ petition, we find that the writ petitioner, Archana Ray is aged 63 years. If that be so, the writ petitioner is undoubtedly a senior citizen. However, it appears that the learned writ court was of the view that since the writ petitioner is attempting to canvass the grievance of her son, who is not a senior citizen, dismissed the writ petition.

3. In our view, the matter can be decided on merits and, therefore, we are inclined to interfere with the impugned order and restore the writ petition to the file of the learned Single Bench.

4. Accordingly, the appeal is allowed. The order dated 22.03.2023 is set aside and the writ

petition is restored to the file of the learned Single Bench to be heard and decided afresh.

5. Let the writ petition appear before the appropriate learned Single Bench in the week commencing 7th August, 2023.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)