

05.06.2023

Item No.13

Ct. No.1

RP/KS

WPA (P) 224 of 2023

Anup Mahata

vs.

Union of India & ors.

Mr. A.K. Shrivastava

Mr. Akash Sharma

... for the petitioner

Mr. Ashoke Kumar Chakraborty, Ld. ASG

Ms. Anamika Pandey

... for respondent no.1

Mr. Nilotpal Chatterjee

Mr. Debashis Ghosh

Mr. DebrajSaha

... for State

1. We have heard the learned advocates for the parties.
2. The prayer sought for in the writ petition is to direct the respondent no.1 to correct by including Kudmi Community under the Constitution (Schedule Tribes) Order 1950. In our prima facie view, such relief is not maintainable in a writ petition.
3. Learned advocate appearing for the petitioner submitted that the petitioner is not third party but is claiming to be the proposed beneficiaries.
4. Technically, this writ petition should not have been classified as public interest

litigation as rightly pointed by the learned Additional Solicitor General. Since the writ petition was presented as public interest litigation as could be seen from the presentation form, the Registry has entertained the same as public interest litigation. In any event, since the learned advocate for the petitioner states that the petitioner can be termed to be the proposed beneficiary, we grant liberty to the petitioner to withdraw this writ petition and approach the appropriate forum.

5. The writ petition is dismissed as withdrawn with the aforementioned liberty.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)