

25th July,
2023
(AK)
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W.P.A 15836 of 2023

Samir Agarwal and others
Vs.
Union of India and others

Ms. Sreyah Basu Dasgupta
Mr. Prosenjit Biswas
...for the petitioners.

Mr. Somnath Ganguli
Mr. S. Seal
...for the State.

Mr. Sourav Kr. Mukherjee
...for the respondent no.1.

Mr. Sakya Sen
Mr. Tanuj Kakvamia
Mr. Ishan Agarwal
Mr. Ashutosh Mishra
...for the respondent no.5.

Affidavit-of-service filed in court today be kept on record.

Learned counsel appearing for the respondent no.5 contends that the writ petition is not maintainable before this court, since the Calcutta High Court does not have territorial jurisdiction to entertain the issues alleged herein.

It is contended that, apart from the fact that none of the parties to the writ petition, apart from the State of West Bengal, are located within the territorial jurisdiction

of this court, no reliefs have been sought against the State of West Bengal, that is, the respondent no.4 herein.

That apart, it is contended that there is nothing disclosed in the writ petition to indicate how this court has the territorial jurisdiction to take up the causes agitated in the present writ petition.

There is substance in such contention.

Upon a primary hearing of learned counsel for the petitioners, it transpires that the petitioners place reliance on an order of stay passed by the Supreme Court with regard to an order issued by the Barrackpore Police Commissionerate, pursuant to which the entire chain of events which gave rise to the present writ petition arose.

At best, the matter could involve the interpretation of the order of the Supreme Court or the order issued by the police authorities in West Bengal.

However, all the reliefs sought in the writ petition pertain to actions taken by the other respondents, none of whom are located within the territorial jurisdiction of this court.

Accordingly, WPA 15836 of 2023 is held to be not maintainable on the ground of dearth of territorial jurisdiction of this court.

However, it is made clear that this court has not gone into the merits of the contentions of either of the parties and it will be open to the petitioners to approach

an appropriate court having territorial jurisdiction, for the self-same remedies.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)