

21.08.2023

Item No.06

Ct. No.1

PG/AGM

W.P.A.(P) 428 of 2023

Prithvijoy Das & Anr.

Vs.

Union of India & Ors.

Mr. Prithvijoy Das.....petitioner (in person)

Mr. Sayan Sachin Basu

Mr. Ranit Mukherjee

Ms. Bulbul Biswas

Mr. Venkateshwar Prasad....for the petitioners

Mr. Ashok Kumar Chakraborty, Ld. ASG

Mr. Arijit Majumdar.....for the Union of India

Mr. Saptanshu Basu, Sr. Adv.

Mr. Joy Saha, Sr. Adv.

Mr. Tapas Kr. Mondal

Mr. Subroto Sardar

Mr. Avik Ghatak

Mr. Aneek Pandit

Mr. Chandranath Sarkar

Mr. Sumitava Chakraborty

Ms. Sonakshi Mitra

Mr. Dhruva Das

Mr. Avijit Kundu

Mr. Rittik Mondal

Mr. Ankan Das

Mr. Ali Rizvi

Mr. Surajit Majumdar

Mr. Abhinav Rakshit.....for the respondent no. 3

1. The petitioners, by filing this public interest litigation seek for a direction upon the Enforcement Directorate, the Central Bureau of Investigation and the Income Tax Department to conduct an independent inquiry against the 3rd respondent within a time bound manner.

2. The petitioners have submitted representation to the authorities and sought for the aforementioned prayers.
3. Basically the allegations are against the 3rd respondent, which has a criminal flavour.
4. In such circumstances, the petitioners cannot bypass the remedy provided under the Code of Criminal Procedure and straight away file a writ petition as a public interest litigation and seek for a direction upon the authorities.
5. Thus, we are of the view that the petitioners, if aggrieved by any action of the 3rd respondent should first exhaust the legal remedies available under the Code of Criminal Procedure and thereafter take the matter to the logical end.
6. With the above observations, the writ petition is disposed of.
7. No costs.
8. 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)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)