

03.10.2023

Item No.9

Ct. No.1

PG/KS

W.P.A.(P) 516 of 2023

Bholanath Sil

Vs.

The State of West Bengal & Ors.

Mr. Supriyo Chattopadhyay
Mrs. Paromita Malakar (Dutta)
Mrs. Sneha Das

.....for the petitioner

Mr. Samrat Sen
Mr. Arindam Mondal

.....for the State

1. The petitioner seeks for a mandamus upon the respondents to take action against the alleged conversion of the tea gardens.

2. We find from the writ petition that the writ petitioner has not even made any representation and the annexures are two photographs and a notification issued by the Government of West Bengal dated 28th November, 2019.

3. The settled legal principle is that no writ of mandamus can be issued unless and until the petitioner is able to show a legal right apart from any inaction on the part of the authorities or improper consideration of any representation. In the instant case, the petitioner has not even submitted any representation and nor enclosed the same along with the writ petition.

4. Therefore, at this juncture, the writ petition cannot be entertained. Accordingly, the same is dismissed.

5. However, this will not be a bar for the petitioner to pursue the matter before the authorities by submitting a detailed representation if the petitioner so desires.

6. No costs.

7. 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.)