

**01.02.2023**  
Item No. 22  
Crt.No.11  
b.r.

**RVW 208 of 2017**  
**in**  
**FMA 223 of 2009**  
***Kalpajit Chakraborty***  
**-vs-**  
***Union of India & Ors.***

**Mr. K.B.S. Mahapatra**  
**Mr. Kasinath Bhattacharya**  
**..... for the appellant.**

**Mr. Sauvik Nandy**  
**.....for the U.O.I.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Mahapatra, Learned Counsel, appears in support of the Review Application, which is RVW 207 of 2017. Review is sought of the Order of the concurrent Hon'ble Division Bench dated 19<sup>th</sup> of June, 2017 passed in this appeal, in which one of us (Subrata Talukdar,J.) was a member.

Mr. Mahapatra submits that the review arises from the fact that by an earlier Order of the concurrent Hon'ble Division Bench dated 27<sup>th</sup> of February, 2015 passed in this appeal, the question has been raised and posed to be answered by the Learned Registrar General, Jharkhand High Court, to the effect as to whether a particular residential quarter earmarked for stay of an employee of Central Industrial Security

Force (CISF) at Santhaldih in the District of Purulia falls within the jurisdiction of Jharkhand High Court or the Calcutta High Court.

Mr. Mahapatra submits that the writ petition being WP No. 2474(W) of 2005, out of which the present appeal arises, was finally decided by an order dated 14<sup>th</sup> of March, 2005 passed by the Hon'ble Single Bench.

The Hon'ble Single Bench was, *inter alia*, pleased to hold that the cause-of-action ventilated in the writ petition connected to the Departmental Proceeding (for short, the *DP*) initiated against the appellant/the writ petitioner for overstay of his leave period, did not fall within the jurisdiction of Calcutta High Court. The Hon'ble Single Bench further noticed that both the appeal and revisional proceedings carried by the present appellant/the writ petitioner against the final order in the *DP* were also decided outside the jurisdiction of the Calcutta High Court, namely, at Ranchi, Patna and New Delhi respectively. Accordingly, the Hon'ble Single Bench found that no part of the cause-of-action ventilated in the writ petition fell within the jurisdiction of Calcutta High Court within the meaning of Article 226(2) of the Constitution of India. Accordingly, the writ petition was dismissed as not maintainable.

The Hon'ble Division Bench hearing the appeal arising out of the aforesaid Order of dismissal passed by the Hon'ble Single Bench, by Order dated 19<sup>th</sup> June, 2017 affirmed the order of the Hon'ble Single Bench, *inter alia*, holding that the appeal lacked territorial jurisdiction.

Mr. Mahapatra submits that in view of the answer received from the Learned Registrar General, Jharkhand High Court pursuant to the question posed by the order of the concurrent Hon'ble Division Bench dated 27<sup>th</sup> of February, 2015 stating that the residential quarter in issue is in Purulia falling within the jurisdiction of Calcutta High Court, has a bearing on the *situs* of the present cause of action. It is submitted that the *DP* was an offshoot of the alleged incident of criminal nature which happened at Santaldih in the District of Purulia within the jurisdiction of Calcutta High Court. Therefore, it is submitted that the concurrent Hon'ble Division Bench lost sight of the fact *vide* its final order dated 19<sup>th</sup> of June, 2017 while deciding the appeal, that part of the cause-of-action connected to the *DP* arose within the jurisdiction of Calcutta High Court.

Mr. Sauvik Nandy, Learned Counsel appearing for the Respondents/Union of India/CISF, clarifies before this Court that the *DP* was purely confined to the overstay on leave by the present appellant/writ petitioner. It is further clarified that the question of the criminal proceeding arising out of the incident at the residential quarter at Santaldih, Purulia within the jurisdiction of Calcutta High Court, constitutes a separate cause-of-action distinct from the *DP*.

It is again clarified by learned Counsel for the Respondents/CISF that to therefore invoke the review jurisdiction of this Court invoking the criminal proceeding to create a favourable jurisdictional platform *qua* the *DP* is not sustainable. It is submitted that the writ petition was correctly decided on the basis of the lack of sustainability, which stood affirmed in the appeal.

Heard.

Considered the materials placed.

This Court is persuaded to accept the stand of Learned Counsel for the Respondents/CISF taking notice of the distinct and separate nature of the *DP* and criminal proceedings. This Court finds no error apparent on the face of the record to hold the Order dated 19<sup>th</sup> June, 2017 passed in FMA 223 of 2009 of

which the present review is sought, suffered from any illegality.

Having regard to the fact that the entire cause of action connected to the *DP* is situated outside the jurisdiction of this Hon'ble High Court, this Court finds no merit in the Review Application.

**RVW 208 of 2017** stands thus **dismissed**.

Parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

**(Supratim Bhattacharya, J.) (Subrata Talukdar, J.)**