

Dd **02 08.02.2024**
Court No. 1

WPA (P) 18 of 2020
with
I.A NO: CAN 1 of 2023

Tara Sundas
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed,
Ms. Gulsanwara Pervin
... .. For the Petitioner

Mr. Amal Kr. Sen, AGP
Mr. Lal Mohan Basu, Advocates
... .. For the State

Mr. Sakabda Roy,
Mr. Bodhisatta Biswas,
... ..For the respondent no. 11

1. Office report shows that the case file has already been discharged of in the Circuit Bench at Jalpaiguri.

2. Learned advocate appearing for the petitioner contends that the writ petition being a Public Interest Litigation has to be heard in the principal Seat.

3. Learned advocate for the respondents pointed out that the writ petitioner has filed another writ petition before the Circuit Bench at Jalpaiguri being WPA 1155 of 2023 praying for compliance of the order dated 08.09.2022 said to have been passed by the authorities. Copy of the said writ petition has been handed over.

4. In the said writ petition, though there are some petitioners as mentioned on behalf of the writ petitioner filed by him in WPA 9554(W) of 2019, the pendency of WPA (P) 18 of 2020 has not been disclosed. Furthermore, the prayers in both the writ petitions appear to be inconsistent. It is submitted that WPA (P) 18 of 2020, the appellant has challenged the correctness of the order passed by the authorities dated 8th September, 2022 whereas in the writ petition which was moved before the Circuit Bench, they seek for implementation of the order. The writ petition in WPA 1155 of 2023 was dismissed as not pressed by the Circuit Bench by an order dated 23.11.2023. The learned advocate appearing for the petitioner does not have any instruction on this aspect and seeks time to take appropriate instruction.

5. List the matter on March 21, 2024.

(T.S. Sivagnanam)
Chief Justice

(Supratim Bhattacharya, J.)