

OD- 3

WPO/1453/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PAYEL PAUL ADHIKARY

-Versus-

STATE OF WEST BENGAL AND ORS.

BEFORE

The Hon'ble Justice SABYASACHI BHATTACHARYYA

Date: 1st August, 2023

APPEARANCE:

Mr. Tapas Dutta, Advocate
Mr. Mrityunjoy Halder, Advocate
...for the petitioner.

Mr. Suman Sengupta, Advocate
Ms. Amrita Panja Moulick, Advocate
...for the State.

The Court: Affidavit of service filed in Court today
is taken on record.

Learned counsel for the petitioner contends that the
petitioner, despite having applied long back, is not getting a
certified copy of an order. Learned counsel places reliance
on the relevant provisions under Rules 261, 262 as well as 265
of the Criminal Rules and Orders framed by this Court, and
argues that it is the incumbent duty of the respondents to
allot a specific date for assessment of the necessary stamp
duty and the subsequent schedule for the purpose of issuance

of certified copy. It is contended that, as a general malady, the present respondents are not following such procedure in respect of any of the certified copy applications made to them. As such, it is argued that the respondents be directed to issue the certified copies of the orders, as applied for, to the petitioner.

It is also argued by learned counsel for the petitioner that the present writ petition has an element of public interest litigation since the respondents are, in general, adopting the protracted practice of delay in grant of certified copies, which has been challenged in the present writ petition.

Learned counsel appearing for the respondent nos.1, 3, 4 and 5 submits that although there were certain initial glitches, the respondents are ready to hand over the certified copy of the order as sought by the petitioner, subject to the petitioner putting in the necessary requisites and signature.

In view of the stand taken by the respondent authorities, there is no need to keep the present writ petition pending further.

However, if the petitioner is aggrieved by a general inaction on the part of the respondents in issuing certified copies, it is always open to the petitioner to move the appropriate Division Bench headed over by the Hon'ble the

Chief Justice, by furnishing full particulars of the general nature of inaction of the respondents, by way of a public interest litigation.

However, a perusal of the present writ petition indicates that there is no element of public law or public interest involved in it.

In such view of the matter, WPO/1453/2023 is disposed of by directing the respondent nos.3 to 5 to ensure that the certified copy, as applied for by the petitioner, is handed over to the petitioner within a week from the date of the petitioner putting in requisite signature and fees.

There will be no order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)