

08.07.2024
Item No.31
gd/ssd

MAT/267/2024
PUJA MARIA NASLUND
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024, CAN/2/2024

Ms. Jhuma Sen,
Ms. Sneha Bera,
Ms. Urmila Ray
..for the Appellant.

1. This appeal has been filed by a third party who is not any way connected with the petitioner in WPA 3792 of 2023.

2. The only common feature appears to be the intending appellant before us is a Foreign National who is represented by a power of attorney agent and she also happened to be the power of attorney agent for the writ petitioner in WPA 3792 of 2023.

3. In this appeal the appellant prays for two reliefs by way of interlocutory application; one is leave to file an appeal and secondly, to add the proposed appellant as a party to the proceedings.

4. Both the reliefs cannot be granted since the appellant has not individually approached the learned writ court with the specific prayer as decided by her.

5. That apart, we have pointed out to the learned advocate appearing for the appellant that the certified copy of the judgment and order in WPA 3792 of 2023 could not have been filed by the proposed

appellant since the petitioner in the said case was different. Merely because both were represented by the same power of attorney holder will not improve the situation and entitle the appellant to use the said certified copy.

6. That apart, unless and until the appellant has approached this court with an individual grievance a separate writ petition praying for certain reliefs, the question of the appellant now seeking leave to challenge the correctness of the impugned order in this appeal and simultaneously canvass her own facts would not be permissible before the Division Bench.

7. Therefore, the appellant is granted permission to withdraw this appeal and proceed afresh in accordance with law.

8. The certified copy of the impugned order shall be returned to the learned advocate for the appellant after retaining a photostat copy.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)