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28.03.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5592 of 2024

Animesh Debnath

Vs.

The Office Commissioner of
the Presidency Division & Ors.

Mr. Rajendra Banerjee

... for the petitioner

Mr. Swapan Banerjee,

Mr. Soumen Chatterjee

...for the State

1. The petitioner alleges that the petitioner's gun licence was cancelled, apparently due to a criminal case pending against the petitioner.
2. Learned counsel for the petitioner candidly admits that the petitioner has also taken recourse to the appellate provision against such cancellation.
3. Learned counsel appearing for the respondent-authorities seeks to produce documents and submits that the cancellation was valid in law.
4. However, the petitioner cannot be permitted to forum-shop by pursuing the same remedy before the appellate authority as well as the writ court.
5. Upon query of Court, on instruction, learned counsel for the petitioner submits that the

petitioner shall pursue the appeal, which has already been filed.

6. In fact, the said option is the prudent one since the parties, otherwise, would be deprived of a forum.

7. Accordingly, W.P.A. No. 5592 of 2024 is dismissed as not entertained with liberty to the petitioner to pursue the self-same remedy in the pending appeal at the behest of the petitioner.

8. It is made clear that since affidavits have not being invited, none of the allegations made in the writ petition are deemed to be admitted by the respondents.

9. This Court, it is made clear, has not gone into the merits of the respective contentions of the parties at all and it will be open to the appellate forum to decide on all issues independently in accordance with law.

10. It is expected that the appellate forum shall decide the appeal as expeditiously as possible, but not later than one month from date.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)