

Item No.15
10.07.2024
Court. No. 9
GB

W.P.A. 17050 of 2024

Sri Bapi Chakraborty & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu,
Mr. Chandrachur Chatterjee,
Mr. Tammoy Sett

...for the Petitioners.

Mr. Suman Sengupta,
Ms. Amrita Panja Moulick

...for the State.

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
Mr. Vishal Mallick

...for the Respondent No.3.

Mr. Anindya Bose

...for the Respondent No.4.

Affidavit-of-service filed in Court today, is taken on record.

This Court is of the view that the writ petition is not maintainable because the order under challenge is a judicial order passed by the West Bengal State Consumer Disputes Redressal Commission, Kolkata in an execution proceeding.

It is contended by Mr. Basu, learned senior advocate that in execution of an order of the commission, persons who were not parties to the proceeding were sought to be evicted.

The petitioners filed an application for addition of party in the execution proceeding, but the petitioners' application was rejected.

Mr. Basu invokes the jurisdiction of this Court on the ground that an order passed in an execution proceeding is not appealable under the Statute. Thus, the writ Court should interfere. Reliance has been placed on a decision of this Court

in the matter of ***Rajdeep Laha & Ors. Versus The State of West Bengal & Ors.*** Passed in ***W.P. No.17282 (W) of 2019.***

The order impugned dated June 19, 2024 is perused. The interlocutory application filed by the petitioner was disposed of with reasons and upon consideration of different authorities. A reasoned order is not amenable to writ jurisdiction. The veracity or correctness of the order can be challenged in an appropriate proceeding. In the event there is no alternative remedy, the petitioner can file a civil revision. As Mr. Basu has not been able to satisfy this Court that any one of the three cardinal principles which allow entertainment of writ petitions in spite of an alternative remedy, exist in this case. The order does not suffer from violation of the principles of natural justice. The order is not without jurisdiction. No fundamental right has been affected.

Under such circumstances, the writ petition is disposed of.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)