

03.04.2024
Item No.5
gd/ssd

FMA/761/2023
IA NO: CAN/1/2023
ASHIS SENGUPTA AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Ms. Juin Dutta Chakraborty,
Mr. B. Modak
..for the Appellants.

Mr. Ashoke Kumar Chakraborty, Ld. ASGI,
..for CBI.

Mr. Sandipan Banerjee,
Mr. Ankit Surekha
..for Howrah Municipal Corporation.

Mr. Tirtha pati Acharyya
..for the Union of India.

1. This intra court appeal is directed against the order dated 12.5.2023 in WPA 5753 of 2023.

2. The writ petition was dismissed principally on two grounds that the appeal filed by the second appellant before the State Public Information Officer, Health Department dated 21.12.2022 is pending. Apart from that, the learned writ court has also held that the appellant/writ petitioners were time and again directed to the web portal and given the registered mobile number through which the appellants could have downloaded the death certificate and the appellants have not done so. Furthermore, the learned writ court held that there is no provision to pass a Mandamus on the respondents to make an exception through the

online registration process and give a hard copy of the death certificate to the petitioners.

3. In our view, since the appeal is pending before the State Public Information Officer, the appropriate course to be adopted by the appellants is to pursue such an appeal and take the matter to the logical end and not invoke the writ jurisdiction of this court as it will tantamount to a parallel proceedings.

4. Therefore, this appeal stands disposed of by directing the appellate authority, namely, the State Public Information Officer to dispose of the appeal petition filed by the appellants, sent through speed post on 21.12.2022, as expeditiously as possible preferably within a period of four weeks from the date of receipt of the server copy of this order.

5. In order to facilitate the State Public Information Officer to dispose of the appeal in terms of the above direction, the appellants are directed to submit a copy of the appeal petition along with the copy of this order and submit the same in person in the office of the State Public Information Officer to enable compliance of the above direction.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)