

19.03.2024
SL No.3
Court No.8
(gc)

MAT 1655 of 2023
CAN 1 of 2023
CAN 2 of 2023

Tathagata Datta
Vs.
Union of India & Ors.

Mr. Tathagata Datta,
...the Appellant-in-person.
Mr. D.N,. Roy,
Mr. Rajesh Kumar Shah
...for the U.O.I.

Re: CAN 1 of 2023

1. There is a delay of 69 days in filing the memorandum of appeal.
2. We are satisfied with the explanation offered in Paragraphs 5 and 6 of the petition for not being able to file the memorandum of appeal within the period of limitation. We are also satisfied with the grounds stated therein.
3. Under such circumstances, we allow the application for condonation of delay. The delay of 69 days in preferring the memorandum of appeal is condoned.
4. Accordingly, the application for condonation of delay is disposed of.
5. The appeal shall be registered if it is otherwise in form.

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6. The appellant appearing in-person is aggrieved by the order passed by the learned Single Judge that the State respondents, being the other authority under Article 12 of the Constitution of India has scurrilous made remarks in various communications and representations made by him to the authority concerned yield no result.
7. Mr. Datta appearing in-person submits that the remarks and/or contents of the said letters are derogatory in nature and has defamed him.
8. The issue raised in this appeal cannot be decided by the writ court as it is in the nature of an action in defamation. In the event, Mr. Datta is aggrieved by such communications made by the authority concerned which according to him are defamatory in nature, he shall be entitled to seek appropriate remedies in accordance with law.
9. However, the time spent in moving the matter before writ court may be excluded under Section 14 of the Limitation Act, if any application is filed within a period of three months from date.

10. We make it clear that we have not gone into the merits of the matter.
11. Accordingly, the appeal and the application are disposed of.
12. However, there shall be no order as to costs.
13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)