

Item-
1. 15-04-2024

FMA 142 of 2024
CAN 1 of 2023

sg Ct. 8

Babu Halder
Versus
Union of India & Ors.

Mr. Ram Dulal Manna, Adv.
Mr. Bratin Kumar Dey, Adv.
...for the appellant
Mrs. Chanderi Alam, Adv.
Mr. Amal Kumar Datta, Adv.
...for the Union of India

1. The learned counsel for the appellant has fairly submitted that the office of the respondent no.5 has been wrongly described as having its office at Siliguri under the District Darjeeling whereas the fact remains that the said authority for the purpose of instant matter is having its office at Ranikhet at Uttarakhand.
2. The writ petition was presumably accepted and decided on merit and taking into consideration that this Court is having the jurisdiction. Now, the fact has revealed that all the respondents are beyond the territories of this Court and no part of cause of action has arisen within the jurisdiction of this Court.
3. The writ petition was dismissed on the ground of lack of territorial jurisdiction as well as no part of cause of action has arisen within the jurisdiction of this Court. This fact was, however, not disclosed to the learned Single Judge.
4. Accordingly, we make it clear that we have not set aside the order of the learned Single Judge on merits but purely on the ground of lack of territorial jurisdiction as well as the fact

that no part of cause of action has arisen within the jurisdiction of this Court.

5. The appeal and the application stand dismissed.

(Soumen Sen, J.)

(Uday Kumar, J.)