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ORDER SHEET

WPO/112/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MAHAVEER PRASAD RAMLAL TELI
VS
UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date: 3rd April, 2024

Appearance:

Mr. Shrey S. Lodha, Adv.
Ms. Srijani Mukherjee, Adv.
Mr. Shaurya Samanta, Adv.
...For the Petitioner

Mrs. Smita Das De, Adv.
Mr. Smarajit Roy Chowdhury, Adv.
...for Union of India

Mr. K.K. Maiti, Adv.
Mr. Tapan Bhanja, Adv.
...for respondent nos. 2 to 4

The Court: Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned adjudication order dated 19th December, 2023 passed by the respondent Customs Authority. It appears from record that this is the second round of litigation initiated by the petitioner. Earlier petitioner had filed a writ petition being WPO 1131 of 2023 which was disposed of by the order of this Court dated 14th June, 2023 with certain directions and the present impugned order has been passed subsequent to the aforesaid earlier order of this Court dated 14th June, 2023.

Mr. Maiti, learned advocate representing the respondent Customs Authority submits that this writ petition should be dismissed and Constitutional Writ Jurisdiction under Article 226 of the Constitution of India should not be invoked in this Court in view of the fact that the petitioner has not come up with clear hands and suppressed material fact that against the aforesaid earlier order of this Court dated 14th June, 2023 the petitioner had moved before the Hon'ble Supreme Court challenging the aforesaid order which was dismissed by the Hon'ble Supreme Court on 28th July, 2023 in Special Leave to Appeal (C) No. 15649/2023 and that neither the said order of the Hon'ble Supreme Court has been annexed to the present writ petition nor there is any whispering in this writ petition about this fact of challenging the earlier order of this Court before the Hon'ble Supreme Court and dismissal of the Special Leave Petition by the Hon'ble Supreme Court.

This Writ Court under Article 226 of the Constitution of India is a Court of equity and Court shall not exercise its extra-ordinary jurisdiction in cases where a litigant does not come with clean hands or suppressed any material fact which has been committed by the petitioner in this case and accordingly this Court is not inclined to invoke its Constitutional Writ Jurisdiction under Article 226 of Constitution of India. Accordingly, this writ petition being WPO 112 of 2024 is dismissed.

However, dismissal of this writ petition will not be a bar on the part of the petitioner to avail alternative remedy by way of statutory appeal in accordance with law.

Copy of the order of the Hon'ble Supreme Court submitted by Mr.
Maiti be kept with the record.

(MD. NIZAMUDDIN, J.)

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