

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 12.12.2025
DELIVERED ON: 12.12.2025

CORAM:
**THE HON'BLE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE JUSTICE PARTHA SARATHI SEN**

**WPA(P) 511 of 2025
Hossain Mustafi & Ors.**

Versus

The State of West Bengal & Ors.

Appearance:-

**Mr. Biswaroop Bhattacharya
Mr. Biswajit Hazra
Mr. Sahinur Rahman
Mr. Archisman Sain****For the Petitioners**

**Mr. Sirsanya Bandyopadhyay, Ld. Sr. Standing Counsel
Mr. Tarak Karan****For the State**

**Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Debanjan Mandal
Mr. Sanjiv Kr. Trivedi
Mr. Sarvapriya Mukherjee
Mr. S. Sarawgi
Mr. Victor Banerjee
Mr. Rajdeep Mantha
Ms. Mohima Cholera.....** **For the Respondent No. 8**

JUDGEMENT (ORAL):

SUJOY PAUL, ACJ:-

1. Heard on admission.
2. This PIL is filed with the following relief:

“a) A writ in the nature of Mandamus commanding the respondents to consider and decide the representation of the

petitioners dated 04.11. 2025 (ANNEXURE P/2 to the writ petition) in accordance with the statutory provision of sub section (3) of section 22 of the Trade Unions Act, 1926 forthwith;

b) A writ in the nature of certiorari directing the respondents to transmit and produce the relevant records of the case (including ANNEXURE P/1 and P/2 of this writ petition), before this Hon'ble Court;

c) Rule Nisi in terms of prayers (a) and (b) above;

d) Order of injunction,

(i) restraining the Respondent No. 11 to act as the President and/or any post of Respondent No. 10 namely 'CESC Sramik Karmachari Union (INTTUC)', any manner and in any form till the disposal of the Rule;

(ii) restraining the entry of the Respondent No. 11 in every office of Respondent No. 10 any manner and in any form till the disposal of the Rule;

e) Interim order directing the Respondent No. 1 to 9 to consider and decide the representation of the petitioners dated 04.11.2025 (Annexure P/2 to the writ petition) forthwith;

f) Ad-interim orders in terms of prayer (d) and (e) above;

g) Costs of and incidental to this Writ Petition.

3. On a specific query from the Bench as to whether there exists any statutory remedy pursuant to which representation dated 04.11.2025 was filed, learned counsel for petitioners fairly submitted that there is no such statutory remedy provided under any statute pursuant to which such representation (Annexure-P/2) was preferred.
4. In answer to another query as to whether the authorities to whom such representation was preferred are under any statutory obligation to decide it, the fair answer is again 'no'.
5. This is trite that a writ of mandamus can be issued to decide a representation/application when there exists a remedy to prefer such representation, with corresponding obligation for the authority to decide it. In addition, the authority to whom these representations are preferred, must be shown to be competent authority for granting the desired relief

(See: Director of Settlements, A.P. v. M.R. Apparao, 2002 (4) SCC 638; Bhartiya Kishan Sangh District Bhind vs. Union of India, 2007 (4) MPLJ 548; Municipal Corpn. Of Greater Mumbai v. Rafiqunnisa M. Khalifa, 2019 (5) SCC 119; Indore Development Authority & Anr. vs. Sansar Publication Pvt. Ltd., ILR 2019 MP 742 (DB)).

6. The petitioners could not satisfy all three counts and therefore, no case is made out for interference.
7. The PIL is disposed of by reserving liberty to the petitioner to avail the remedy as available to him under the law.

(SUJOY PAUL, ACJ.)

I agree.

(PARTHA SARATHI SEN, J.)