

25.03.2026
Court No. 12
Item No. 09
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 495 of 2026
IA No : CAN 1 of 2026

Imjam Haque
-Versus-

Union of India & Ors.

Mr. Tapas Kumar Dey,
Mr. Ashis Kumar Dutta
.....for the appellant

Mr. Debashis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal
....for the respondent no. 2

Mr. Souri Ghosal,
Mr. Subhajit Mukherjee
....for the respondent nos. 5 & 6.

1) The appellant is a partner of a Nursing Home. The nursing home runs as a partnership business. There is an arbitration clause in the deed of partnership, for settlement of disputes. The appellant had already approached the concerned District Judge under Section 9 of the Arbitration and Conciliation Act, 1996, seeking interim reliefs.

2) It is the contention of the appellant that as the District Judge has not taken up the misc. case, the appellant filed the writ petition against a private party praying for appointment of a receiver to take over the business.

3) His Lordship recorded that the dispute was between private parties. No allegation against the state authorities had been made. Moreover, the application under Section 9 of

the Arbitration and Conciliation Act, 1996 was pending adjudication.

4) Upon repeated queries to the learned advocate appearing for the appellant as to how the writ petition was maintainable, no answer is forthcoming. The only grievance of the appellant is that the business is suffering and the patients will not be able to take advantage of the insurance policies of the Government of West Bengal as regards healthcare. The grievance of the petitioner is not against any statutory authority or against any authority which is "State" under Article 12 of the Constitution of India.

4) Under such circumstances, we do not find any illegality and/or material irregularity in the order impugned. The writ petition was not maintainable, and as such, the appeal and the connected application are dismissed.

5) Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)