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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/6/2023
SENJUTI CHAKRABARTI

-Versus-

LEARNED REGISTRAR GENERAL, HIGH
COURT AT CALCUTTA AND ORS.

BEFORE :

THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM

And

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA

Date : 7th August, 2023

Appearance :

Mr.Koushik Gupta, Adv.

Ms.Jhuma Sen, Adv.

Ms.Srimoyee Mukherjee, Adv.

Mr.Dinesh Vishwakarma, Adv.

..for the petitioner.

Mr.Saikat Banerjee, Adv.

Ms.Juin Dutta Choudhury, Adv.

..for the respondent.

The Court : We find that the writ petition is absolutely premature. Prayer (i) which is founded on a reply said to have been obtained by the petitioner pursuant to a query raised under the Right to Information Act and the petitioner seeks for issuance of show cause notice to the High Court at Calcutta to explain the contradictions in the RTI reply. When it was pointed out to the learned counsel for the petitioner that such a prayer cannot be acceded, the learned counsel for the petitioner fairly agreed that the prayer (i) is not pressed. The said prayers are for issuing certain

directions for complying with the provisions of the 2013 Act. From the writ petition we find that the petitioner who is practising advocate has even failed to make a representation to the Registry which ought to have been done considering the fact that the petitioner claims to have been practising before this Court ever since her registration in the year 2019.

The settled position of law is that a writ of mandamus will be issued when there has been inaction on the part of the authorities or when a genuine representation has been made has not been acted upon in accordance with law. The petitioner has not made a representation and the entire writ petition is founded on certain replies obtained under Right to Information Act. Therefore, we find that the writ petition to be absolutely premature. Accordingly, the same is dismissed. However, this will not stand in the way of the petitioner to make appropriate representation before the concerned authority.

(T.S. SIVAGNAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

