

OD 3

WPO/1459/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PAYEL PAUL ADHIKARY
VS
UNION OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 28th August, 2023.

Appearance:
Mr. Suman Sengupta, Adv.
Ms. Amrita Panja Moulick, Adv.
...for the State.

Mr. Sukumar Bhattacharyya, Adv.
Mr. Anindya Sundar Das, Adv.
...for the U.O.I

The Court: Learned counsel for the petitioner contends that the report filed by the Registrar General of this Court with regard to the status of uploading orders of several Courts under this Court is insufficient, particularly in so far as the direction given to the concerned Tribunals have not been complied with, since the Tribunals have not yet disclosed the relevant data regarding the uploading status before such forums.

Learned counsel for the petitioner also seeks to file an exception in that regard to the report.

Heard learned counsel for the parties.

It transpires from the prayer made in the writ petition that the petitioner seeks a direction on the respondent authorities, particularly on the respondent no.3, that is, the High Court at Calcutta, to ensure that the daily orders are uploaded by all civil and criminal courts in all matters in the E-Court Services (server of E-Court) and “to apprise the same to the petitioner including to all concerned” with immediate effect.

However, since the petitioner had come before this Court, being a law clerk who is one of the stakeholders in the process of uploading, a report was sought from the Registry of this Court to throw light on the issue.

In compliance of such direction, a comprehensive and voluminous report has been filed by the Registrar General of this Court which, according to this Court, is quite sufficient to meet the exigencies of this case.

It is seen from the said report that although the Tribunals have not furnished their uploading status in compliance with the direction of the Registrar General, almost all the districts of the State have furnished due uploading status with regard to the said courts.

It has to be kept in mind that the petitioner does not have any locus standi to call for an answer as to the uploading status of each and every Tribunal in the State. Although the cause of action is personal, this Court granted some liberty to the petitioner to have due information regarding the general uploading status in the State, since a litigant ought not to be turned away merely on the technical ground of locus standi.

However, the submission now made by the petitioner tantamounts to relief which can only be granted within the domain of public interest litigation.

In any event, the prayer made in the writ petition cannot be implemented regularly. This Court, in its judicial capacity, is not sufficiently equipped to keep a tab on the uploading status of each and every civil and criminal court under the supervision of the High Court.

In the event the petitioner has any particular instance of difficulty on such score, it will be open to the petitioner to approach the Registrar General or this Court, in its administrative capacity, to deal with such issue. The petitioner will also be at liberty, if necessary, to approach the concerned civil and criminal court, if need so arises, ventilating such grievance to the said authority. That apart, the petitioner will be at liberty to file a public interest litigation if the petitioner makes out a sufficient case for such exercise of power by the appropriate Division Bench. If so filed, nothing in this order shall influence or prejudice the rights of the petitioner in any manner whatsoever.

Accordingly, WPO/1459/2023 is disposed of in the light of the above observations.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)