

CASE NO.:
Review Petition (civil) 1562 of 2007

PETITIONER:
PRABIR CHAKRAVARTY

RESPONDENT:
STATE OF WEST BENGAL & ORS

DATE OF JUDGMENT: 26/02/2008

BENCH:
Altamas Kabir & R.V. Raveendran

JUDGMENT:
JUDGMENT
O R D E R

REVIEW PETITION (C) NO. 1562 OF 2007
IN
CIVIL APPEAL NO.1246 OF 2007
WITH

R.P. (C) No.1569/2007 In C.A. No.1246/2007
R.P. (C) No.1567/2007 In C.A. No.1246/2007
R.P. (C) No.1571/2007 In C.A. No.1246/2007
R.P. (C) No.1570/2007 In C.A. No.1246/2007
R.P. (C) No.1581/2007 In C.A. No.1246/2007
R.P. (C) No.1572/2007 In C.A. No.1246/2007
R.P. (C) No.1578/2007 In C.A. No.1246/2007
R.P. (C) No.1563/2007 In C.A. No.1246/2007
R.P. (C) No.1568/2007 In C.A. No.1246/2007
R.P. (C) No.1574/2007 In C.A. No.1246/2007
R.P. (C) No.1575/2007 In C.A. No.1246/2007
R.P. (C) No.1566/2007 In C.A. No.1246/2007
R.P. (C) No.1573/2007 In C.A. No.1246/2007

These review petitions and other applications for impleadment and modification of the judgment and order dated 9th March, 2007, passed in Civil Appeal No. 1246 of 2007, arising out of S.L.P.(C) No. 15224 of 2006, have come up before us in somewhat unusual circumstances and are a departure from the traditional review petitions that are usually filed.

The above-mentioned appeal had been filed by All Bengal Licensees Association, Kolkata, against Raghavendra Singh, Principal Secretary, Excise Department, Government of West Bengal, and other officials of the Excise Department, against an order of a learned Single Judge of the Calcutta High Court, dated 29th August, 2006, passed on a contempt petition dismissing the same.

Holding that the contemnors had committed contempt of court, this Court allowed the appeal and severely warned the concerned officials and censured their conduct.

During the pendency of the appeal, several applications were filed for impleadment in the appeal, but the same were dismissed. It appears that after the judgment and order dated 9th March, 2007, was passed by this Court, several writ petitions were filed in this Court under Article 32 of the Constitution by those persons whose impleadment applications had been dismissed earlier. When the said writ petitions were listed for admission on 20th November, 2007,

this Court directed the Registry to treat the writ petitions as review petitions against the judgment dated 9th March, 2007, in Civil Appeal No. 1246 of 2007 and cognate matters. The Registry was also directed to place all the Interlocutory Applications along with the Review Petitions before the Hon'ble Chief Justice for constituting an appropriate Bench.

That is how these matters have been placed before us.

With due respect, we suspect that the entire facts were possibly not brought to their Lordships' notice.

Admittedly, none of the writ petitioners were parties to the Civil Appeal No. 1246 of 2007. They, therefore, have no locus standi to maintain a review petition in respect of the final order passed in a proceeding arising out of an order passed in a contempt proceeding relating to wilful disobedience of orders passed by this Court. The writ petitioners are the beneficiaries of such wilful disobedience and will have to suffer the consequences of the actions of the contemnors who have been found to be guilty of contempt of court.

Apart from the above, the petitioners had applied for being impleaded as parties in S.L.P.(Civil) No. 15224 of 2006 and such prayer was rejected and the impleadment applications were dismissed. Now that the Civil Appeal arising out of the S.L.P(Civil) No. 15224 of 2006 stands dismissed, the impleadment applications filed thereafter for the same purpose are wholly misconceived and are liable to be dismissed. Consequentially, the review petitions which are dependent on the impleadment applications are also liable to be dismissed.

However, the petitioners cannot be left without a remedy since their writ petitions under Article 32 of the Constitution were not taken up for consideration in the writ jurisdiction, but were converted into petitions for review possibly on a first impression that no order could be passed in the writ petitions and that the judgment and order passed in Special Leave Petition (C) No.15224 of 2006 itself was required to be modified. But in the facts of the case as set out hereinabove, we are unable to entertain the review petitions which therefore merit dismissal.

In our view, the petitioners' remedy can only be taken up in the writ jurisdiction. In that view of the matter, while dismissing the review petitions and the connected petitions for impleadment and for hearing of the petitions in Court, we make it clear that the petitioners may file fresh writ petitions under Article 32 of the Constitution on the same cause of action as their earlier writ petitions were not taken up or treated as writ petitions.

There will be no order as to costs.