

11.09.2025
SL No. 2
Court No. 38
sk

WPA 6469 of 2025
Dolphin Enterprise
Vs
Union of India & Ors.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Shibjit Mitra
...for the petitioner

Mr. Pinaki Bhattacharyya
Mr. S. Majumdar
...for the UOI

Affidavit of service filed by the petitioner is kept
with the record.

The petitioner has filed the present writ application
challenging the order passed by the Certificate Officer,
South 24-Parganas, Alipur dated 17th December, 2024
wherein the Certificate Officer held that the demand of
Rs. 70, 00,000/- raised by the Railway Authority is to
treat as public demand as it's related to the Government
dues.

Learned counsel for the petitioner submits that the
Certificate Officer has not given any reason as to why the
demand of Rs. 70,00,000/- raised by the Railway
Authorities be treated as public demand. He draws the
attention of this Court to the order passed by this Court
in WPA 10805 of 2024 dated 7th May, 2024 wherein this
Court has granted liberty to the petitioner to file an
application before the Certificate Officer within 30 days

and the Certificate Officer is directed to conclude the proceeding as expeditiously as possible but not later than three months from the date of filing of the petition by the petitioner. The petitioner has filed the petition as per leave is granted by this Court by an order dated 7th May, 2024 and has passed the impugned order.

This Court also finds that though the Certificate Officer has held that the demand of Rs. 70,00,000/- raised by the Railway Authorities to be treated as public demand as it is related to the Railway dues but this Court is of the prima facie view that the finding of the Certificate Officer is without any reason.

Learned counsel for the respondent prays for time to file affidavit-in-opposition.

Let affidavit-in-opposition be filed within two weeks after Puja vacation. Affidavit-in-reply be filed within a week thereafter.

List this matter on 27th November, 2025.

In the meantime, the respondent authorities particularly the respondent no. 4 is directed not to give any effect or further effect to the impugned order dated 17.12.2024 till 27th November, 2025 or until further orders whichever is earlier.

(Krishna Rao J.)