

14.05.2024
Item No.56
RP
Ct. No.1

**FMA 559 of 2024
With
CAN 1 of 2024**

**Mr. Sandeep Kriahna Rohatgi & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sandeep Krishna Rohatgi
.....Appellant appearing in person
Mr. Pantu Deb Roy
Mr. Subrata Guha Biowar
.....for State

1. The appellant is the writ petitioner. He is aggrieved by the order passed in WPA 11164 of 2023. The prayer sought for in the writ petition is to direct the Enforcement Directorate to pay Rs.20/- crore as interim payment out of Rs.40/- crore seized from the former minister Mr. Partha Chatterjee as ownership share which is shown in "Table of Lands" belonging to the petitioner Rohatgi Family. The learned Single Bench by the impugned order considered the prayer sought for and held that such prayer cannot be granted and the petition cannot be entertained and the same stood dismissed. However, the petitioner was not debarred from filing an appropriate application, if he is so advised.
2. We have elaborately heard the appellant appearing in person and carefully perused the materials placed on record. As rightly pointed out by the learned Single Bench that the prayer for issuance of a direction upon the Enforcement Directorate to pay a sum of Rs.20/- crore as as an interim prayer out of Rs.40/- crore seized

from the former minister Mr. Partha Chatterjee cannot be considered or granted. Therefore, the learned Single Bench was right in dismissing the writ petition. The learned Single Bench, however, did not foreclose the rights and remedies available to the writ petitioner/appellant under law and, therefore, held that the writ petitioner is not debarred from filing an appropriate application, if he is so advised. Enure to the benefit of the appellant no further relief cannot be granted in this appeal.

3. With the aforesaid observation, the appeal and the connected application are dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)