

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA NO.1387/97

Date of Order 9-6-2004

Present : Hon'ble Sh. Sarweshwar Jha, Member (A)

Tarit Kumar Mukhopadhyay
Vs.
Union of India & Ors.

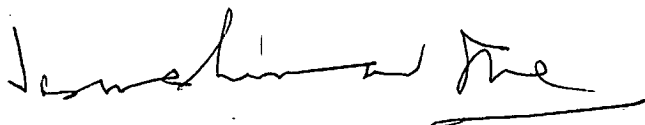
For the applicant : Ms. K.Banerjee, counsel.
For the respondents : Mr. M.S.Banerjee, counsel.

O R D E R (ORAL)

Heard.

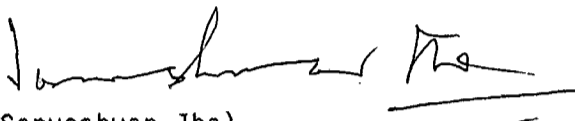
2. At the outset, ld. counsel for the respondents has submitted that this Tribunal has no jurisdiction in the matter as raised in this OA which has emanated from the application of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. In this regard, reliance has been placed on the judgement of the Hon'ble Supreme Court in Union of India v. Rasila Ram & Ors. (JT 2000 (10) SC 588), in which, among other things, it has been held that Administrative Tribunals have no jurisdiction to go into the legality of the order passed by the competent authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and, therefore, Tribunal's order holding that an order passed by the competent authority under this Act would also come within its jurisdiction is, therefore, invalid and without jurisdiction.

3. Ld. counsel for the applicant has submitted that the orders passed by the office of the Estate Manager, 5, Esplanade East, Calcutta - 69 on 6-11-97 and other orders passed by the Estate Manager have been issued in consequence of the action having been taken by him under the aforesaid Act. She has accordingly submitted that she may be allowed to withdraw this OA so that the applicant could approach the appropriate forum for seeking redressal of his grievance.



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4. Having considered the submissions of the ld. counsel for both the parties and having been satisfied that the matter relates to orders having been passed under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 in which this Tribunal does not have jurisdiction as per the judgement of the Hon'ble Supreme Court (supra), I allow withdrawal of this OA for the reasons as stated above. With this, this OA stands disposed of as withdrawn. The applicant shall accordingly have liberty to proceed in the matter as per law and to approach the appropriate forum, if so advised.


(Sarweshwar Jha)
Member (A)

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