

02.02.2021
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ns Ct.04

M.A.T. 367 of 2018
With
I.A. CAN 1 of 2018 (Old CAN 2291 of 2018)
With
I.A. CAN 2 of 2018 (Old CAN 2293 of 2018)
With
CAN 3 of 2020

The State of West Bengal & Ors.

Vs.

Dr. Namita De & anr.

Mr. Amitesh Banerjee, sr. adv.,
Mr. Joyak Kr. Gupta for appellants.

Ms. Kabita Mukherjee,
Mr. Manas Dasgupta ... for respondents.

Mr. Banerjee, learned advocate, Senior Standing Counsel appears on behalf of appellants / State. Ms. Mukherjee, learned advocate appears on behalf of private respondents. Respondent / municipality goes unrepresented.

Mr. Mukherjee draws attention to order dated 7th January, 2021, in which there was direction upon appearing parties to notify the municipality. She hands up copy notice dated 12th January, 2021 bearing endorsement regarding acknowledgement of receipt on behalf of learned advocate engaged by the municipality.

Appearing parties submit that the appeal can be heard on basis of the writ petition and affidavit-in-

opposition filed by State. They submit further, the municipality went unrepresented in the matter of impugned judgment dated 1st December, 2017. It had not filed affidavit and apparently is not interested in hearing of the appeal.

The appeal will be heard on basis of the writ petition and affidavit-in-opposition filed therein. Further formal notice of appeal to unrepresented respondent is dispensed with, while Ms. Mukherjee waives it so far her clients are concerned.

Appellant will provide copies of the writ petition and affidavit-in-opposition on adjourned date. The notice is handed back for being enclosed in affidavit-of-service to be filed. Appellant will serve this order on the municipality and file affidavit of service on adjourned date. List on 11th February, 2021.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)