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rkd Ct.15

W.P.A. 20480 of 2018

Asis Chakraborty alias Tukai Chakraborty
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Raghunath Chakraborty,
Mr. M. Ahmed

....for the petitioner.

Mr. Tarun Kumar Das,
Mr. Dilip Kumar Shyanal

....for the added respondents.

Mr. Anjan Bhattacharya,
Mr. Sujit Bhunia

....for the respondent nos. 9 to 13.

Mr. Alak Kumar Ghosh,
Mr. Gopal Chandra Das

....for the KMC.

The writ petition is taken up for consideration when it has been found that on an application being CAN 1/2023 seeking addition of party an order was passed on 9th October, 2023 directing the department to amend the cause title of the writ petition and add the applicants in CAN 1/2023 as additional respondents within a specified time.

On perusing the cause title of the writ petition it transpires that amendment of the cause title as directed by this Court on 9th October, 2023 has not been made and applicants have not been made additional respondents.

Department is directed to amend the cause title of the writ petition in terms of the direction as contained in the order dated 9th October, 2023

within seven days from date.

The learned advocate representing the applicants is directed to cooperate with the department.

Since it has already been submitted by Mr. Chakraborty, learned advocate representing the petitioner that copies of the writ petition have already been served upon the applicants in CAN 1/2023, the applicants (to be added as additional respondents) shall be at liberty to file affidavit-in-opposition to this writ petition within two weeks from date and affidavit-in-reply if any thereto, be filed within one week thereafter.

The learned advocate for the petitioner was also granted leave to amend the cause title of the writ petition on receiving details of other flat owners/occupiers but Mr. Chakraborty has tendered apology that in spite of receiving of details of other flat owners/occupiers they have not been arrayed as additional respondents.

The learned advocate for the petitioner shall be at liberty to amend the cause title of this writ petition in course of this day in order to array other flat owners/occupiers, as respondents details of whom have already been supplied by the learned advocate representing the respondent nos. 9 to 13.

Since notice has been served upon the

other flat owners/occupiers after receiving the details from the learned advocate of the respondent nos.9 to 13, these other flat owners/occupiers (to be added as additional respondents) shall also be at liberty to file affidavit-in-opposition to this writ petition by two weeks from date and affidavit-in-reply if any thereto, be filed within one week thereafter.

Let this order be communicated to other flat owners/occupiers by 11th January, 2024 and the learned advocate for the petitioner is directed to file affidavit-of-service on the adjourned date.

List the matter under the same heading for further consideration in the monthly combined list of February, 2024.

(Saugata Bhattacharyya, J.)