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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/1/2024
IA NO: GA/1/2024

SK MAHBUB HOSSAIN
VS
THE STATE OF WEST BENGAL AND
ORS.

BEFORE :
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 22nd March, 2024

Appearance :
Mr. Subhrangshu Panda, Adv.
Mr. Aniruddha Mitra, Adv.
..for the applicant in GA/1/2024.

Mr. Amitesh Banerjee, Sr. Adv.
Ms. Ipsita Banerjee, Adv.
..for the State.

Mr. Somnath Bose, Adv.
..for the CESC Ltd.

Ms. Shaila Afrin, Adv.
Mr. Rafat Jahan, Adv.
..for the respondent thika controller.

Mr. Alak Kumar Ghosh, Adv.
Mr. Arijit Dey, Adv.
..for the KMC.

Mr. Ashoke Kumar Chakraborty,
ld. Addl. Sol. General,
Mr. Sukanta Chakraborty, Adv.
Mr. Tirtha Pati Acharyya, Adv.
..for UoI.

Mr. Mainak Bose, Adv.
Mr. Ratul Das, Adv.
Ms. A. Mukherjee, Adv.
..for the petitioner.

Sk. Md. Galib, Adv.
Abu Siddiqui Mullk, Adv.
..for the Auqaf Board.

Re: GA/1/2024

The Court : This application [GA/1/2024] has been filed by one Mr. Aniruddha Mitra seeking to add him as the 21st respondent in this public interest litigation. The case of the applicant is largely rests upon the order passed by the Division Bench in MAT/1152/2023 wherein there is an observation that till the statutory appeal is dismissed, the corporation shall not proceed to implement the demolition order in accordance with law. In the same judgment the Division Bench has recorded the submission of the 6th respondent herein. Neither the applicant that is the appellant before us nor the respondent no.9 is a tenant under the respondent no.5. The learned Additional Solicitor General had earlier submitted that the property is an enemy property and when the officer of the custodian of the enemy property went to the premises, they were physically attacked. Furthermore, in this application except for a rent receipt alleged to have been issued, there is not a scrap of paper to show that the applicant Md. Yaqub Ansari is a lawful occupant of the premises in question. Therefore, we are not inclined to add the said person to be added as party in this writ petition. Hence, GA/1/2024 is dismissed.

Re : WPO(P)/1/2024

In terms of the directions issued earlier, the Kolkata Municipal Corporation will have to file a report in the form of an affidavit. The learned standing counsel for the corporation submits that such affidavit will be filed in course of the day. Let copies

be served on the learned advocate appearing for the petitioner as well as in the office of the learned government pleader.

Auqaf Board is permitted to file report. Let copies of the report be served on the learned advocates appearing for the parties. Since we find that the chief executive officer of the Auqaf Board is already respondent no.15, there will be no necessity to implead the chairperson of the Auqaf Board. Accordingly, the respondent no.14 is deleted from the array of the parties and necessary correction be made in the cause title in this regard.

The report filed by the custodian is taken on record. Supplementary affidavit filed today is taken on record. Leave is granted to the respondents to file their affidavit in opposition, if they so desire.

List this matter on 19th April, 2024.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

