

OD-5

ORDER SHEET

WPO No.258 of 2019
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

LAND AND BRICKS AND ENTERTAINMENTS LTD. & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:13th January, 2023.

Appearance:

Mr. Mainak Bose, Adv.
Mr. Suvadeep Sen, Adv.
Mr. Meghnad Dutta, Adv.
... for the Petitioners.

Mr. Alak Kumar Ghosh, Adv.
Mr. Dilip Chatterjee, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
... for K.M.C.

Mr. Tapan Kumar Mukherjee,
Sr.Adv. & Ld.Addl. G.P.,
Mr. Somnath Naskar, Adv.
...for the State-Respondents.

The Court:-Certain provisions of the Kolkata Municipal Corporation Act, 1980 is under challenge.

The Court by order dated 2nd August, 2019 directed the parties to exchange affidavits.

Though the affidavit-in-opposition has been filed by the Kolkata Municipal Corporation but the State is yet to file the same.

The Court by order dated 19th November, 2019 granted extension of time for filing the affidavit-in-opposition peremptorily by two weeks.

Today, prayer has been made by the learned senior advocate representing the State respondents seeking extension of time for filing the affidavit-in-opposition.

The stand of the State cannot be appreciated. For the last three years the State respondents did not care to file the affidavit-in-opposition.

The State respondents will be at liberty to file affidavit-in-opposition by 31st January, 2023 subject to payment of Rs.10,000/-[Rs. Ten Thousand only] in the office of the State Legal Services Authority. In the event the deposit as mentioned hereinabove is not submitted, the Court will not allow the State respondents to file affidavit-in-opposition. The matter will proceed on the basis of the documents already available on record.

A copy of the affidavit-in-opposition be served upon the learned advocate representing the petitioners. The petitioners shall be entitled to file their reply to the same by 15th February, 2023.

List the matter once again on 17th February, 2023 marked for 'hearing'.

(AMRITA SINHA, J.)