

OD – 2

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/8/2025
SUKHENDU BANERJEE
VS

THE STATE OF WEST BENGAL AND ORS

BEFORE :

THE HON'BLE JUSTICE SUJOY PAUL, ACTING CHIEF JUSTICE

And

THE HON'BLE JUSTICE PARTHA SARATHI SEN

Date : 14th November, 2025

Appearance :

Mr. Mainak Bose, Sr. Adv.

Mr. Ratul Das, Adv.

Ms. A. Mukherjee, Adv.

...for petitioner.

Mr. Saptansu Basu, Sr. Adv.

Mr. Ayan Banerjee, Adv.

Mr. Tanmoy Sett, Adv.

Mr. Pran Gopal Das, Adv.

Mr. Somnath Gangapadhyay, Adv.

...for respondent no.23.

Mr. Ashok Kumar Banerjee, Sr. Adv.

Mr. Nilotpal Chatterjee, Adv.

Mr. Arijit Dey, Adv.

...for KMC.

Mr. Somnath Bose, Adv.

..for CESC Ltd.

Ms. Ipsita Ganguly, Adv.

Mr. Rabiul Islam, Adv.

..for respondent no.30.

Mr. Somnath Ganguly, Adv.

..intervenor Akram Hussain.

*Mr. Manoj Malhotra, Adv.
Mr. Arkadip Sengupta, Adv.
..for respondent nos.10 & 11.*

*Sk. Md. Galib, Adv.
Mr. Siddiqui Mallik, Adv.
..respondent no.19.*

*Mr. Anish Kumar Mukherjee, Adv.
Ms. Bidisha Chatterjee, Adv.
Mr. Avro Ghosh, Adv.
...for respondent nos.32 & 33.*

*Mr. Kamlesh Jha, Adv.
..for respondent no.26.*

The Court : Mr. Mainak Bose, learned Senior Advocate appearing for the petitioner, and the respondents heard on admission.

Mr. Saptansu Basu, learned Senior Advocate for the respondent no.23, submits that the very same property is the subject matter of WPO(P)/1/2024 but the petitioner herein is different. When the petitioner was directed to show his identity, he never turned up. The said writ petition is still pending consideration. The respondent no.23 has been impleaded unnecessarily in the instant matter only to cause a roving enquiry on the basis of pleadings only and proofs are not sufficient to entertain this petition.

The objections regarding maintainability are also taken by Mr. Galib, learned Counsel appearing for the respondent no.19 as also the counsel appearing for the respondent nos.10 and 11, respondent no.26, and the respondent no.30. We have heard the parties on this aspect.

For the present, we deem it appropriate to direct initially the respondent nos. 2 to 12 and 13 and 18 to file their respective reports in relation to the properties mentioned in paragraph 22 of the PIL within four weeks from date.

It will be open to the other respondents to file their preliminary objection with the relevant documents in the meantime.

After this part is over, we will consider whether the petition is maintainable/entertainable. In other words, the question of maintainability/entertainability will remain open to be decided.

Another objection of Mr. Galib, appearing for the respondent no.19, is that this respondent can be sued through CEO and, therefore, impleadment of this respondent is not proper.

Mr. Mainak Bose, learned Senior Advocate appearing for the petitioner, noted the objection and undertakes to do the needful.

Since nobody entered appearance for the respondent no.18, counsel for the petitioner shall communicate a server copy of this order to the respondent no.18 and file affidavit of service on the next date of hearing.

List this matter on 19th December, 2025.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)